- c. In CM's opinion, Customer should not invest more than twenty percent (20%) of Customer's available investment funds in Precious Metals. Moreover, Precious Metals do not yield income and thus are not an appropriate investment vehicle for investors seeking current or future income.
- d. The success of an investment in Precious Metals is dependent, in part, upon extrinsic economic forces including but not limited to supply, demand, international monetary conditions, and inflation or the expectation of inflation. The impact of these forces on the values of Precious Metals in general or any particular Precious Metal cannot be predicted. Customer acknowledges that the Precious Metals market can be volatile and that Precious Metal prices may rise or fall over time. Customer further acknowledges that past performance is no guarantee of future performance.
- e. CM does not provide tax, investment, or legal advice or advisory services, and no one associated with CM is authorized to provide any such advice or services. Any written or oral statements by CM, its officers, agents, sales representatives, or other representatives relating to future events or the attributes of certain Precious Metals are opinions only. Such statements, if any, are not representations of fact. Customer agrees, acknowledges, and represents that Customer has not, at any time, sought or been provided with tax, investment, or legal advice or advisory services, of any kind or nature from CM or any of its, affiliates, assigns, successors, agents, employees, contractors or other representatives.
- f. CM's sales representatives are commissioned salespersons i.e., their salary is based, at least in part, on the amount and profit margin of the Precious Metals they sell. In addition, from time to time, CM's sales representatives may receive other compensation tied to sales activity e.g., sales contests; bonuses tied to the sale of certain denominations/types or grades of Precious Metals. CM's sales representatives are not licensed brokers and their knowledge of Precious Metals and the Precious Metals marketplace varies markedly.
- g. CM makes no representations regarding the tax consequences of holding Precious Metals as an investment in an IRA. Customer expressly acknowledges that Customer has been advised to seek independent tax advice, from a qualified professional, regarding the tax consequences of such an investment. Any written or oral statements by CM, its officers, agents, account executives, or other representatives relating to future events or the attributes of certain Precious Metals are opinions only. Such statements, if any, are not representations of fact.
- h. Customer understands, agrees, and acknowledges that CM records telephone calls with potential customers and/or including Customer, to avoid and/or prevent fraud, for purposes of verifying Customer's assent to the terms and conditions of the purchase from CM, for quality control and/or other reasons. Customer consents to all such recordings of Customer by CM to the extent consent is required under any state or federal laws or statutes.

6. Grades:

- a. CM is not a grading service. CM purchases Precious Metals for re-sale to its customers. CM is not a grading service. CM does not independently assess the Precious Metals it purchases for re-sale, but relies upon the opinions and assessments of independent grading services such as Professional Coin Grading Service, Inc., Numismatic Guaranty Corporation of America, and ANACAS, or others. Grading is a subjective process and it is not uncommon for grading services, or individual examiners within the same grading service, to reach different conclusions regarding the appropriate grade for a particular Precious Metal. Moreover, grading standards are constantly evolving. CM does not guarantee that the Precious Metals it sells will achieve the same grades in the future. In selling graded Precious Metals, CM warrants that the Precious Metal is genuine (i.e., not a counterfeit) and states that the grade is as opined by the grading service when graded by that service, if graded.
- b. <u>Grading is subjective</u>. Grading is a subjective determination. While numerical grading may give the impression of precision, the numbers in fact represent a nuanced opinion that even experts cannot consistently and systematically agree upon. The grade reflects the opinion of the cataloger (or grader) as to the state of preservation, method of strike, and overall appearance of a particular Precious Metal or lot.
- c. <u>Terminology</u>. The term "proof" or "specimen" is used to describe a method of manufacture. Those terms do not connote a grade, condition or attribution.

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- d. <u>Cleaning/Toning</u>. CM does not represent that a Precious Metal has or has not been cleaned, that any toning is natural or artificial, that a Precious Metal has a particular provenance or pedigree, that a Precious Metal is struck or not struck, that a Precious Metal is produced or not produced in a particular manner or style, and/or that a different grading service (or even a different grader within the same grading service) would assign the same grade now or in the future to the same Precious Metal.
- e. <u>Acknowledgment</u>. Where CM sells a Precious Metal that is encapsulated by a grading service and bears the grade or condition ascribed to it by the grading service, Customer acknowledges and agrees that other grading services or knowledgeable purchasers might reach a different conclusion as to the item's grade. Customer further acknowledges that CM has provided the grader's description for the customer's information and makes no warranty as to its accuracy or the standards used to determine that grade.
- 7. Representation/Warranty; Sales Representatives Not Authorized To Make Other Representations or Warranties: CM represents and warrants that, upon the delivery of Purchase Funds (as provided for in Paragraph 1), and subject to the other terms and restrictions set forth in this Transaction Agreement, CM will cause to be delivered to Customer the denomination/type and grade of Precious Metals specified in Customer's order, as classified and/or graded by one of the following independent grading services: Professional Coin Grading Service, Inc. (PCGS), Numismatic Guaranty Corporation of America (NGC), ANACAS, or any other independent grading service of similar standing. The only representation and warranty that Customer may rely upon in purchasing Precious Metals from or selling Precious Metals to CM is the representation set forth in this Paragraph 7. Neither CM, nor any of its officers, agents, employees, sales representatives, or other representatives are authorized to make any other representations or warranties concerning any Precious Metals that CM is selling or purchasing under this Transaction Agreement.

8. Exchange/Refund Policy:

- a. Replacement of Semi-Numismatic or Numismatic Coins Where Grade Disputed: Customer agrees to inspect each delivery carefully upon receipt. If, for any reason whatsoever, Customer is dissatisfied with the quality of a semi-Numismatic or Numismatic coin or bar (specific kinds of Precious Metals) purchased from CM, Customer should immediately notify CM. If Customer notifies CM of its dissatisfaction within fifteen (15) days of delivery of the semi-Numismatic or Numismatic coin or bar and the original holder in which the semi-Numismatic or Numismatic coin or bar in question was delivered has not been opened, removed, or tampered with in any respect, CM shall replace the semi-Numismatic or Numismatic coin or bar in question with another semi-Numismatic or Numismatic coin or bar (as appropriate) of the same denomination/type and grade. CM, in its sole discretion, may permit Customer to upgrade to a higher value semi-Numismatic or Numismatic coin or bar (either in denomination/type or grade) as part of this replacement process, provided Customer pays the difference between the contract price of the semi-Numismatic or Numismatic coin or bar previously purchased and CM's current sale price for the higher value semi-Numismatic or Numismatic coin(s) or bar(s) to be substituted. If CM determines, in its sole discretion, that another semi-Numismatic or Numismatic coin or bar of the same denomination/type and grade is not reasonably, commercially available, CM may elect, at its sole option, to replace the semi-Numismatic or Numismatic coin or bar purchased with a reasonably comparable semi-Numismatic or Numismatic coin or bar, even though of a different denomination/type and grade.
- b. <u>Cancellation Period; Certain States' Rights.</u> With the exceptions noted in Paragraph 8a and the Addendum attached hereto (certain state residents only), CM offers Customers a seven (7) day right to request cancellation of their purchase with CM for semi-Numismatic or Numismatic coin or bar purchases. Because Precious Metals, including all other purchases other than semi-Numismatic or Numismatic coin or bars, are subject to price fluctuations outside of CM's control, the CM is unable to rescind, cancel, refund, or exchange Customer's order or this Agreement for all purchases other than semi-Numismatic or Numismatic coin or bars, other than as noted herein, in Paragraph 8a above, and as set forth in the attached Addendum.
- 9. <u>Disclaimer of Express and Implied Warranties</u>: EXCEPT AS SET FORTH IN PARAGRAPH 7, THE PRECIOUS METALS SOLD BY CM PURSUANT TO THIS TRANSACTION AGREEMENT ARE SOLD ON AN "AS IS" BASIS AND CM MAKES NO WARRANTIES, EXPRESS OR IMPLIED, AND SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY AND OR FITNESS FOR A PARTICULAR PURPOSE.
- 10. No Liability for Consequential Damages; Limitation of Liability: IN NO EVENT SHALL CM HAVE ANY

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OBLIGATION OR LIABILITY (WHETHER IN TORT, CONTRACT, WARRANTY, OR OTHERWISE, AND NOTWITHSTANDING ANY FAULT, NEGLIGENCE, OR STRICT LIABILITY), FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES SUSTAINED OR ARISING FROM OR RELATED TO ANY TRANSACTION COVERED BY THIS TRANSACTION AGREE- MENT, EVEN IF CM IS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. FURTHER, CM's LIABILITY TO CUSTOMER FOR ANY REASON AND UPON ANY CLAIMS SHALL AT ALL TIMES BE LIMITED TO THE AMOUNT ACTUALLY PAID BY CUSTOMER FOR THE PRECIOUS METALS IN DISPUTE.

- 11. <u>Application to Future Transactions</u>: This Transaction Agreement shall control all transactions between CM and Customer unless and until such time as it is amended by CM. Customer agrees that CM may amend this Transaction Agreement at any time and from time to time, that CM may give notice to Customer of any amendment by mailing a copy of the amended Transaction Agreement to the address set forth above (or any updated address provided by Customer in the interim), and that following such mailing, the amended Transaction Agreement shall govern succeeding transactions and any interaction with CM.
- 12. <u>Force Majeure</u>: Neither CM nor Customer shall be liable for any failure or delay in its or their performance under this Transaction Agreement due to any cause beyond its or their respective reasonable control, including acts of war, terrorism, acts of God, earthquake, flood, embargo, riot, sabotage, labor shortage or dispute, governmental act or failure of the Internet including, but not limited to, any disruption, failure and/or error in or of CM's internal computer systems, or any disruption, failure and/or error in or of any third-party Internet service providers as CM may use from time to time.
- 13. <u>Arbitration of Disputes; Waiver of Jury Trial</u>: ANY DISPUTE, CLAIM OR CONTROVERSY ARISING OUT OF OR RELATING TO THIS TRANSACTION AGREEMENT OR THE BREACH, TERMINATION, ENFORCEMENT, INTERPRETATION OR VALIDITY THEREOF, INCLUDING THE DETERMINATION OF THE SCOPE OR APPLICABILITY OF THIS AGREEMENT TO ARBITRATE, OR ANY OTHER DISPUTE, CLAIM OR CONTROVERSY ARISING OUT OF ANY INTERACTION BETWEEN CM AND CUSTOMER, SHALL BE BROUGHT AND BE DETERMINED BY ARBITRATION IN LOS ANGELES, CALIFORNIA, BEFORE ONE ARBITRATOR. THE ARBITRATION SHALL BE ADMINISTERED BY ADR SERVICES, INC. CUSTOMER AND CM WAIVE THEIR RIGHTS, IF ANY, TO BRING ANY CLAIM THAT IS SUBJECT TO THIS ARBITRATION PROVISION AS A CLASS ACTION, "MASS" ACTION, OR OTHERWISE ON A REPRESENTATIVE BASIS. JUDGMENT ON ANY ARBITRATION AWARD MAY BE ENTERED IN ANY COURT OF COMPETENT JURISDICTION. THIS CLAUSE SHALL NOT PRECLUDE PARTIES FROM SEEKING PROVISIONAL INJUNCTIVE REMEDIES IN AID OF ARBITRATION FROM A COURT OF APPROPRIATE JURISDICTION.
- 14. Choice of Law: The substantive law of California shall govern all claims brought by or against CM in connection with this Transaction Agreement or otherwise arising out of any interaction between CM and Customer, without any regard for conflict of law principles.
- 15. <u>Limitation on Time to Bring Any Claim</u>: Except where the law prescribes a shorter applicable statute of limitation, or prohibits shortening the otherwise applicable longer statute of limitations, any claim or legal action of any kind arising in connection with or relating in any way Customer's purchases from CM, CM, or in any way relating to CM or this Agreement, must be brought within one year after the purchase or sale or other event giving rise to the claim or legal action. If this clause is determined to be unenforceable as to any particular claim or claims under the law of the applicable jurisdiction, it shall remain fully enforceable as to all other claims.
- 16. <u>Jurisdiction</u>: Jurisdiction and venue for any dispute, claim or controversy arising out of or in any way relating to this Transaction Agreement or the breach, termination, enforcement, interpretation or validity thereof, or any other interaction between CM and Customer, shall be in Los Angeles, California, and any party making a claim against CM in whatever form hereby submits to personal jurisdiction in that forum for any and all purposes. By entering into this Agreement, Customer agrees to be subject to the personal jurisdiction of the State of California, agreeing and acknowledging that entering into this Agreement shall constitute sufficient minimum contacts with the State of California to confer both general and specific personal jurisdiction.
- 17. <u>Finality; Integration Clause</u>: This Agreement is intended by CM and Customer as a final expression of their agreement concerning the matters set forth herein, and is also intended as a complete and exclusive statement of the

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terms of their agreement. This Agreement supersedes any oral or written statements made prior to, contemporaneous with, or in the future regarding this Agreement or the transactions covered hereunder. Customer shall not rely upon any statement made by or on behalf of CM that is inconsistent with this Transaction Agreement.

18. <u>Severability</u>: If any provision of this Transaction Agreement is determined by any court of competent jurisdiction or arbitrator to be invalid, illegal, or unenforceable to any extent, that provision shall, if possible, be construed as though more narrowly drawn, if a narrower construction would avoid such invalidity, illegality, or unenforceability or, if that is not possible, such provision shall, to the extent of such invalidity, illegality, or unenforceability, be severed, and the remaining provisions of this Agreement shall remain in full force and effect.

ADDENDUM OF STATE-SPECIFIC PROVISIONS

Alaska. CM provides all customers the right to receive a full refund for the return of undamaged and unused metals or coins, provided the customer gives CM timely notice of the return within seven (7) calendar days after the date the customer receives the merchandise. Timely notice is given if the return request is made in person within the seven (7) days or if the return or request is mailed, properly addressed and postmarked, postage prepaid, within the seven (7) days. Receipt of metals or coins is deemed to occur at the earliest of: (a) the date the customer receives actual possession of the metals or coins; or (b) the date the customer receives written confirmation that the metals or coins have been deposited on the customer's behalf in an independent depository. CM, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM, whichever is later.

Connecticut, Nebraska, Maryland, Louisiana, Kansas. CM provides all **first time customers** the right to a refund for the return of undamaged and unused metal or coins, provided that Chase Metals receive written notice of cancellation within seven (7) calendar days after the date you receive the merchandise. Your "receipt" of metals or coins is deemed to occur at the earliest of: (a) the date that you receive actual possession of the metals or coins; or (b) the date that you receive written confirmation that the metals or coins have been deposited on your behalf in an independent depository. CM shall, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM, whichever is later.

Hawaii, Mississippi, West Virginia, Arizona, Colorado, Montana, Oklahoma, Utah, Texas (credit card purchases only), Oregon, Nevada. CM provides you the right to receive a full refund for the return of undamaged and unused metals or coins, provided that CM receive written notice of the return within seven (7) calendar days after the date that you receive the merchandise. Your "receipt" of metals or coins is deemed to occur at the earliest of: (a) the date that you receive actual possession of the metals or coins; or (b) the date that you receive written confirmation that the metals or coins have been deposited on your behalf in an independent depository. CM shall, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM, whichever is later.

Indiana, Pennsylvania, Vermont, Wyoming, South Dakota. CM provides you the right to receive a full refund for the return of undamaged and unused metals or coins, provided that CM receive written notice of the return within ten (10) calendar days after the date that you receive the merchandise. Your "receipt" of metals or coins is deemed to occur at the earliest of: (a) the date that you receive actual possession of the metals or coins; or (b) the date that you receive written confirmation that the metals or coins have been deposited on your behalf in an independent depository. CM shall, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM, whichever is later.

Michigan, Virginia, Arkansas. CM provides all customers the right to a full refund provided that Chase Metals receive written notice of cancellation (see notice provided with your trade confirmation) within three (3) business days after the date that you sign this Agreement. CM shall, upon written notice of cancellation, issue a full refund

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within ten (10) calendar days from the date you send us the notice of cancellation (notice of cancellation, if given by mail, is given when it is deposited in a mailbox properly addressed and postage prepaid.) If you decide to cancel, return all items shipped to you (if any) in substantially as good condition as when received to the address that appears on the form, ATTN: Operations Dept.

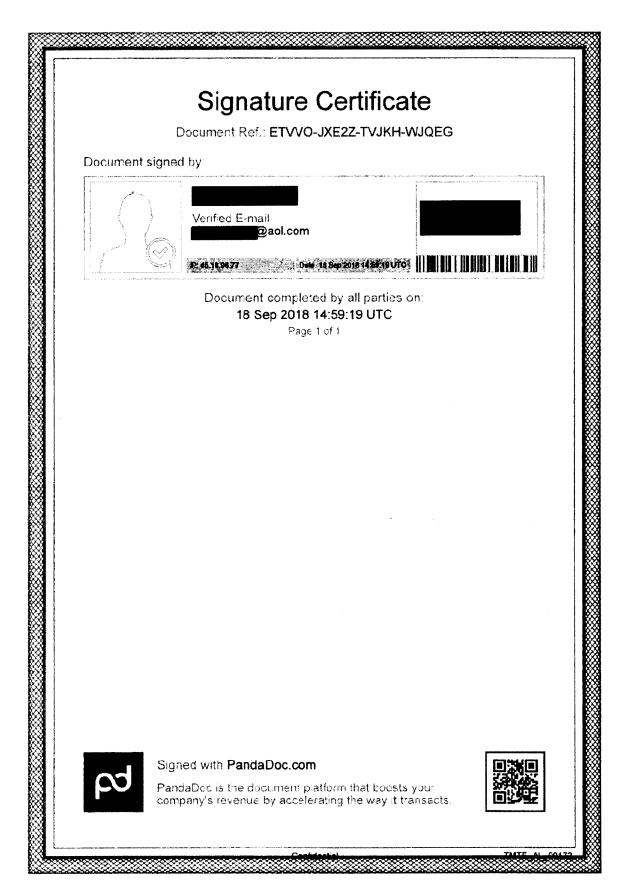
North Dakota. CM provides you the right to receive a full refund for the return of undamaged and unused metals or coins, provided that CM receive written notice of the return within fifteen (15) calendar days after the date that you receive the merchandise. Your "receipt" of metals or coins is deemed to occur at the earliest of: (a) the date that you receive actual possession of the metals or coins; or (b) the date that you receive written confirmation that the metals or coins have been deposited on your behalf in an independent depository. CM shall, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM, whichever is later.

Maine. CM provides all first time customers the right to a refund, provided that Chase Metals receive written notice of cancellation within seven (7) calendar days after the date your trade confirmation is mailed to you (based upon the postmark) or delivered to a third-party carrier such as FedEx. (Prior purchasers have the right to receive a full refund provided that CM receive written notice of the cancellation within three (3) business days after the date your trade confirmation is mailed or delivered, as above.) CM shall, upon written notice of cancellation, issue a full refund within fifteen (15) calendar days from the date you send us the notice of cancellation (notice of cancellation, if given by mail, is given when it is deposited in a mailbox properly addressed and postage prepaid.) If you decide to cancel, return all items shipped to you (if any) in substantially as good condition as when received to the address that appears on the form, ATTN: Operations Dept.

West Virginia. CM provides you the right to receive a full refund for the return of undamaged and unused metals or coins, provided that CM receive written notice of the return within seven (7) calendar days after the date that you receive the merchandise. Your "receipt" of metals or coins is deemed to occur at the earliest of: (a) the date that you receive actual possession of the metals or coins; or (b) the date that you receive written confirmation that the metals or coins have been deposited on your behalf in an independent depository. For purposes of this subsection, it will be presumed that goods were received seven days after they were mailed unless it can be clearly demonstrated that the goods were not received or received at a later date. CM shall, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM, whichever is later. CM will provide a cash refund for a cash purchase or issuing a credit for a credit purchase, which credit is applied to the account to which the purchase was debited in connection with the return of its unused and undamaged merchandise or canceled services.

Wisconsin. CM provides all customers the right to a full refund provided that CM receive written notice of cancellation (see notice provided with your trade confirmation) within three (3) business days after the date that you sign the Addendum to this Trade Confirmation. CM shall, upon written notice of cancellation and receipt of the merchandise in the same condition as delivered, issue a full refund within thirty (30) calendar days from the date of cancellation or, where merchandise has been delivered, the returned merchandise is received by CM whichever is later. (Notice of cancellation, if given by mail, is given when it is deposited in a mailbox properly addressed and postage prepaid.)

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ATTACHMENT C

WHEN WAS TOLD THE REAL VALUE OF THE METALS BY METALS.COM

Invoice #: 1965280				.41
Invoice Date: 10/31/2019 Account Type: Traditional IRA Account #:			TRUS	Direction T COMPANY TO W. Century Drive
	· [Off IR	Oulsville, CO 80027 P(877)742-1270 F(303)865-5982 www.ndtco.com
Billing Summary 11/02/20	 19- 11/01/2020			
Date Billing Descrip	tion		Market Value	Amount
4,012 .50 OZ	e fier: 0,00 to 125,000.00 ILVER CANADIAN MAPLE LEAF SILVER CANADIAN POLAR BEAR	\$ 14.76 \$ 160 2713	\$539.69 £	\$125.00 [2.66 [04.00H.[4
11/01/2019 Precious Met Portfolio valu 1 OZ S .50 OZ	SILVER ROUND BUFFALO BIS Admin Fee IN TOOLOGOODOO BILVER CANADIAN MAPLE LEAF SILVER CANADIAN POLAR BEAR BILVER ROUND BUFFALO	250000 17:33	\$357.00 \$539.69 \$35,787.04 \$357.00	346-68 99.304.72
		Pro	Current Fees evious Balance Due	\$220.00 \$0.00
		Pay	ments/Adjustments Amount Due	\$0.00 \$220 .00
Payments/Adjustments includes any credits if payment is not received by the due date, payment if you have placed a credit card or notice. A \$25 late fee will be assessed for elements of the second s	we may pay your fee from any cash lifte and wish to use it to pay for you	balance that may exist in ir annual fee. Fees are su but the bottom portion	bject to change with 30-	mik day
	onal IRA 20	Did you Know? You can make your po MasterCard, or Disco www.myDirection		Visa, .
Due Upon Receipt Mall Payment To: New Direction Trust Company 1070 W. Century Drive	Select Your Payment Option: CHECK PAYMENT - I ele account. Make Payable To: Ne	of to mail in a check to w Direction Trust Comp	pay my annual fee due pany	on my
Louisville, CO 80027	CASH BALANCE - I elect balance, *Cash must be availed	to deduct the total amobile in your account to s	ount due from my avail elect this option,	able cash

We thank you for your histings

I, hereby declare and state the following:

- I am over 21 years of age and competent to testify to the matters included in this declaration. I am making this declaration voluntarily and based upon my personal knowledge.
- I hereby authorize the Alabama Securities Commission, the Commodity Futures Trading Commission, and any of their representatives to use this declaration in any proceeding pertaining to the matters described herein.
 - 3. I am 71 years old.
 - 4. I am a resident of Decatur, Alabama based on my mailing address.
- 5. I am a high school graduate and have two years of education at a technical college. I served three and a half years in the Air Force. At the time of the investment, I worked repairing heating and air conditioning systems. I am now retired, though I had to delay my retirement based on the actions of Metals.com.
- 6. Sometime in or around April 2018, I received a call from Deric Scott (Scott), a Vice President for Metals.com, about purchasing precious metals. Scott knew that I listened to Sean Hannity, was concerned about the economy, and interested in gold and silver. I was interested in buying precious metals at the time due to concerns about the economy.
- 7. I dealt primarily with Scott throughout this process. However, I also dealt with Dana Landaveri at times and received emails from Luke McCain on behalf of Scott. I assumed Luke McCain was a coworker and followed up to help implement the purchase when Scott was not available. I recall that I spoke to Luke McCain on one occasion after the purchase.
 - 8. On April 25, 2018, Scott sent me an email that contained a link to Metals.com, which he

described as "the largest physical precious metals retailers (sic) in North America for the Royal Canadian Mint." Scott went on to write "[a]Iso in terms of client satisfaction, we also deliver. Our clients are very pleased to put in writing how happy doing business with us has made them." After this sentence was a link to a Trustpilot site with reviews for Metals.com. I looked at the reviews and it appeared that Metals.com was reputable. Attachment A is a true and correct copy of the referenced email.

- 9. Scott advised me on how to invest my money throughout the process that culminated in me liquidating my existing retirement accounts and purchasing precious metals with those funds. In fact, that is why I was talking to him. He appeared very knowledgeable in both precious metals and stocks. He encouraged me to liquidate because I was scared of the economy and of taking losses in my current investments. I did not know what I was doing. Scott acted like he was going to help me avoid losing money.
- 10. Scott basically told me that he could help me, and that gold was a good choice and that gold is better than stocks. Scott knew these were my retirement funds.
- 11. One of the first things Scott did was contact the company where my investments were held to determine the value. I recall one phone call in which Scott called Athene Annuity and Life with me on the line to determine the amount of money that I would receive if I liquidated my annuity. During this call, we learned that I would take a loss due to an early surrender of the annuity.
 - 12. Scott and I would discuss politics and how the Government was being operated.
 - 13. Scott sent me emails with links to articles that included:
 - a. On April 25, 2018, I received an email with eleven links to news articles from dscott@metals.com, which included articles titled:

- i. U.S. Debt Bomb Exacerbating Stock Market Panic!
- ii. Could the Fed Set Off a Debt Bomb?
- iii. CHINA MILITARY TELLS RUSSIA 'WE'VE COME TO SUPPORT YOU'
 AGAINST U.S.
- iv. Head of world's largest hedge fund says U.S. in a 'pre-bubble phase' with a 70% chance of recession
- v. Bank of America's recession warning: This market is scary
- b. On June 14, 2018, I received three emailed links from dscott@metals.com about digital currencies and rising rates and deficits;
- c. On June 14, 2018, I received an email link for an SEC press release saying the SEC will consider whether to adopt rules that reform how money market funds are structured and operate from dscott@metals.com;
- d. On September 27, 2018, I was sent twelve email links from dscott@metals.com, which included articles titled:
 - JP Morgan's top quant warns next crisis to have flash crashes and social unrest not seen in 50 years;
 - ii. Brace for a lost decade of U.S. stocks, warn Morningstar strategists.;
 - iii. Barry Bannister, head of institutional equity at Stifel, issued caution on stocks is tied to Federal Reserve policy, specifically expectations for continued rate increases. In March he warned that a policy mistake from the Fed could spark an "unusually fast" bear market, as well as a "lost decade" for stocks, or ten years with no positive returns;

- iv. "Another epic economic collapse is coming"-Oxford and Princeton Graduate,Pulitzer Prize winning Journalist George Will; and
- v. Central Banks Go On Gold Buying Spree Over Dollar Worries-FORBES.

Attachments A through D are true and correct copies of the emails referenced in this paragraph.

- 14. As to where I should invest my money, Scott told me that:
 - a. Precious metals had always been a good investment;
 - b. Precious metals would hold their value;
 - The Dollar was losing value constantly and that I would be better off investing in something that held value;
 - d. Precious metals were the best place to put all of my investment funds;
 - e. Precious metals were a better investment than stocks;
 - f. Stocks and my investments were going to keep losing value;
 - g. The price of gold was going up and would continue going up. If I invested then, the way things were going, precious metals would be more profitable than the investments I held at the time.
 - h. Gold would hold its value but that stocks would not; and
 - i. If I was going to invest in gold, right then was the time to do it.
- 15. Scott was very personal in his approach and seemed like a friend. He acted as though he was acting for my best interests. Scott communicated with me like he really cared about my future. I genuinely thought he was an advocate for me.
- 16. I began the process to liquidate multiple accounts, which included the annuity held with Athene Annuity and Life, on or about May 2, 2018 at the direction of Scott and Metals.com. The liquidated funds were transferred to a self-directed IRA (SDIRA) in order to buy precious

metals. Metals.com selected the SDIRA. I electronically signed these forms on May 2, 2018.

Attachments E, F and G are true and correct copies of the Transfer Request forms referenced in this paragraph.

- 17. Scott or someone at Metals.com completed the transfer request forms and Scott worked with me throughout the process. Scott was very confident, and he acted like he knew what he was doing and was working for my best interests. I trusted him too easily. I signed all the documents provided by Metals.com on my iPhone.
- 18. Scott was on the phone during the liquidation calls. I did not know what to say, so Scott helped me with the terminology and spoke up on the call when I did not know what to say. Scott said on the calls that he was helping me with my investments.
- 19. When I liquidated my investments, I took a loss on my annuity held with Athene Annuity and Life of approximately \$10,000.00. Scott was aware that I would incur a loss. I was convinced to proceed despite the loss. The person who handled my investments at the time told me that I would take a loss on my annuity by liquidating it early and tried to talk me out of liquidating the annuity.
- 20. I purchased precious metals using funds from the liquidated investments that totaled approximately \$250,000.00 at or around the same time.
 - 21. My account statements were printed on Tower Trust letterhead.
- 22. I made one final purchase through Metals.com in or around January 2019. Metals.com sales representatives called to ask if I had anything I wanted to invest. I was interested, as I was still concerned about the economy. I used approximately \$60,000.00 in cash to make this purchase. This was the first time that Polar Bear coins were mentioned. To this point, every discussion was about gold or silver, generally. I was led to believe that Polar Bear coins were a

good investment for the price. Metals.com representatives recommended that I have the coins mailed to me so that I would have them in hand in case times got bad. I would have to mail the coins to Metals.com in order to exchange the coins for cash. My impression was this was because they would give me more money than I would get locally.

- 23. At one point, Scott told me that my precious metals investment held in the SDIRA had increased in value.
- 24. Sometime after my last purchase, Luke McCain called me to add additional security provisions to my account to make sure that no one could transfer my account without my permission. Luke McCain told me that the value of my precious metals had increased. I asked him to send me copies of the documents showing that increase because I had not set up an online account to view the documents. Luke McCain told me that he would, but he never did and that gave me a bad feeling about my situation.
- 25. I understood that the listed value of the precious metals that I purchased as reported by the SDIRA would be equal to or more than the total amount of funds that I transferred. I did not expect to lose value.
- 26. However, I later learned that I lost the majority of my funds due to the actual value of the precious metals that Metals.com put into my SDIRA. I would not have made these purchases if I knew the loss that I would take, much less when I include the loss I took when I liquidated my original investments. No one with any sense would.
- 27. Scott did not tell me that Metals.com would take a commission. I asked Scott twice if there would be any charges or commissions. The first time I asked what kind of commissions I was looking at, and Scott answered that there would not be any charges for the first year so I should leave the investment in at least two years. The second time I asked, I was told that there

would be no commissions charged the first year because Metals.com was doing this through Sean Hannity. The name Sean Hannity led me to trust in this.

- 28. I did not have any experience in buying precious metals, or with stocks and bonds. I do not know if the spot price I was given was correct. There was no discussion of spread, and I did not know what a spread was at the time. No one from Metals.com asked if I was knowledgeable in the stock market or precious metals market. I was led to believe that I was paying the actual value of the gold and silver and that all of my money was being used to purchase precious metals with no fees or commissions based on Scott's statements to me.
- 29. Scott never told me precious metals can be volatile. In fact, I understood from Scott that precious metals were safe.
- 30. There was never a discussion as to what percentage of my investment funds should be placed in precious metals. Instead, Scott said I should place most of my investment funds in gold and the remainder in silver. Scott told me gold and silver are the only quality place to invest. Scott said that I should invest it all in precious metals.
- 31. At the time that Metals.com contacted me, I intended to retire within a year or two. Scott knew this. I liquidated and transferred practically all of what I had to invest in precious metals based on the advice of Scott and Metals.com representatives. Because of this, I had to work longer than I intended to build back some of my retirement funds that I lost to Metals.com. I did

not build it back to the level that I had previously, but enough so that I could retire when COVID-19 hit. I am currently retired.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this the q+h day of September 2020.



ATTACHMENT A

APRIL 25, 2018 EMAIL FROM DERIC SCOTT

From: Sent:

Thursday, January 16, 2020 10:28 AM

To:

Planer, Elizabeth

Subject:

Fwd: Reference Information

Sent from my iPhone

Begin forwarded message:

From: Deric Scott < dscott@metals.com > Date: April 25, 2018 at 5:55:02 PM CDT

To:

Subject: Reference Information

Here is a link to our firm <u>Metals.com</u> the largest physical precious metals retailers in North America for the Royal Canadian Mint.

Also in terms of client satisfaction, we also deliver. Our clients are very pleased to put in writing how happy doing business with us has made them. https://www.trustpilot.com/review/metals.com.

U.S. Debt Bomb Exacerbating Stock Market Panic!

Silver Prices To Surge - JP Morgan Has Acquired A "Massive Quantity of Physical Silver"

Could the Fed Set Off a Debt Bomb?

Subprime mortgages make a comeback—with a new name and soaring demand!
Housing Market in HUGE BUBBLE!

CHINA MILITARY TELLS RUSSIA 'WE'VE COME TO SUPPORT YOU' AGAINST U.S.

Head of world's largest hedge fund says U.S. in a 'pre-bubble phase' with a 70% chance of recession

Market correction was just an 'appetizer' for what's to come later this year, Morgan Stanley says

The economy has changed and investors can no longer rely on a diversified stock-bond portfolio to provide protection in times of

market volatility, according to JPMorgan Asset Management.

Only asset classes left to invest in are gold and cash according to the head of Fidelity International

Vanguard: Correction Odds Climb to 70%

Bank of America's recession warning: This market is scary

Respectfully,

Deric Scott

Vice President

Metals.com The #1 Name in Metals!

p: 424 285-6306

f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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original transmission and its contents. You will be reimbursed for reasonable costs incurred in notifying us. Information contained within this e-mail should not be construed as legal, accounting, tax or investment advice.

ATTACHMENT B

JUNE 14, 2018 EMAIL FROM DERIC SCOTT WITH 3 LINKS

From: Sent:

Thursday, January 16, 2020 10:28 AM

To:

Planer, Elizabeth

Subject:

Fwd: Articles I mentioned

Sent from my iPhone

Begin forwarded message:

From: Deric Scott < dscott@metals.com>
Date: June 14, 2018 at 7:22:50 PM CDT

To:

Subject: Articles I mentioned

 $\frac{https://www.bloomberg.com/news/articles/2018-06-12/gundlach-says-rising-rates-and-deficits-like-suicide-mission}{}$

https://finance.yahoo.com/news/former-fdic-chair-fed-needs-get-senous-digital-currency-131756819.html

http://moneywise411.com/tbo-awards-7-billion-to-develop-new-fedcoin/

Respectfully,

Deric Scott

Vice President

Metals.com The #1 Name in Metals!

p: 424 285-6306

f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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this e-mail in error, please immediately notify us by reply e-mail to the sender. You must destroy the original transmission and its contents. You will be reimbursed for reasonable costs incurred in notifying us. Information contained within this e-mail should not be construed as legal, accounting, tax or investment advice.

ATTACHMENT C

JUNE 14, 2018 EMAIL FROM DERIC SCOTT WITH A LINK TO AN SEC RELEASE

From: Sent:

Thursday, January 16, 2020 10:27 AM

To:

Planer, Elizabeth

Subject:

Fwd: Money Market Reform Act

Sent from my iPhone

Begin forwarded message:

From: Deric Scott < dscott@metals.com>
Date: June 14, 2018 at 7:57:55 PM CDT

To:

Subject: Money Market Reform Act

https://www.sec.gov/news/press-release/2014-143

FACT SHEET Money Market Fund Reform SEC Open Meeting July 23, 2014

Action

The Commission will consider whether to adopt final rules that reform the way money market funds are structured and operate in order to better equip them to address run risks, while preserving the benefits of money market funds. The money market fund reforms would:

Floatina NAY

Require certain money market funds to maintain a floating net asset value (NAV) for sales and redemptions based on the current market value of the securities in their portfolios rounded to the fourth decimal place (e.g., \$1.0000). The requirement, which would apply to institutional prime money market funds (including institutional municipal money market funds), would result in the daily share prices of the money market funds fluctuating along with changes in the market-based value of the funds' investments.

Fees and Gates

Provide new tools to money market fund boards of directors to directly address a run on a
fund. The new tools – fees and gates – would give fund boards the ability to impose liquidity fees
or to suspend redemptions temporarily, also known as "gate," if a fund's level of weekly liquid
assets falls below a certain threshold.

Portfolio Diversification, Disclosure and Stress Testing

Enhance diversification, disclosure and stress testing requirements as well as provide updated reporting
by money market funds and private funds that operate like money market funds.

Tax and Accounting

• The SEC was informed that should these rules be adopted, the U.S. Department of the Treasury and the Internal Revenue Service today will release two types of tax guidance. They will propose new regulations to allow floating NAV money market fund investors to use a simplified tax accounting method to track gains and losses that could be used beginning today. The proposed regulation will eliminate the need to track individual purchase and sale transactions for tax reporting purposes. And, they will release a new

revenue procedure that provides relief from the "wash sale" rules for any losses on shares of a floating NAV money market fund.

Other Measures

In addition, the Commission will consider whether to re-propose amendments to the Commission's money market fund rules and Form N-MFP to address provisions that reference credit ratings, and propose an additional amendment to the issuer diversification provisions in the rule.

Respectfully,

Deric Scott

Vice President
<u>Metals.com</u> The #1 Name in Metals!

p: 424 285-6306 f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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ATTACHMENT D

SEPTEMBER 27, 2018 EMAIL FROM DERIC SCOTT WITH 12 LINKS

From:

Sent: Thursday, January 16, 2020 10:27 AM

To: Planer, Elizabeth

Subject: Fwd: Articles and Information

Sent from my iPhone

Begin forwarded message:

From: Deric Scott < dscott@metals.com>
Date: September 27, 2018 at 1:27:59 PM CDT

To:

Subject: Articles and Information

Central Banks Go On Gold Buying Spree Over Dollar Worries -FORBES

Drop in silver prices to 32-month lows prompts sellout of Silver Eagle coins at U.S. Mint

Ray Dalio Spells Out America's Worst Nightmare The hedge fund titan warns the U.S. not to take its reserve currency for granted.

Frmr. Treasury Secretary Rubin "Debt Bomb Will Explode"

JP Morgan's top quant warns next crisis to have flash crashes and social unrest not seen in 50 years

Brace for a lost decade for U.S. stocks, warn Morningstar strategists

Barry Bannister, head of institutional equity strategy at Stifel, issued caution on stocks is fied to Federal Reserve policy, specifically expectations for continued rate increases. In March, he warned that a policy mistake from the Fed could spark an "unusually fast" bear market, as well as a "lost decade" for stocks, or 10 years with no positive returns.

Vanguard, You'll make a lot less money in the stock market in the next 10 years—here's what you can do

https://www.bloombergquint.com/business/2018/09/19/cash-strapped-americans-are-leveraging-their-homes-to-pay-the-bills#as Reiasv8

"Another epic economic collapse is coming". Oxford and Princeton Graduate, Pulitzer Prize winning Journalist George Will

CBS NEWS: Should the United States get rid of cash and create a national cryptocurrency?

US needs to get rid of cash according to the FDIC

Respectfully,

Deric Scott

Vice President
<u>Metals.com</u> The #1 Name in Metals!

p: 424 285-6306 f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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ATTACHMENT E

ANTHENE ANNUITY AND LIFE TRANSFER REQUEST FORM

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TOWER

TRANSFER REQUEST

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House Phone				Type [id] Traditional [] Roth [] 4	01k [] Simple [] SEP []
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I authorise the transfer of the IRA assets in the manner described above and certify that all of the information provided by is correct and may be relied upon by the Trustee or Custodism.	American Estate & Trust agrees to serve as the new custodian for the account of the above named individual. We agree to accept the assets being transferred.		
I understand that I am responsible for determining my eligibility to transfer within the limits set forth by tex love, related regulations and plan agreements. Further, I understand that a transfer from a Staffle RA to SDAFLE IRA on a more frequent basis than mouthly from a Designated Financial lastimation, change in my transfer request outside my election period, may result in costs or penalties. I understand that special rules apply to	Account Identification of Accepting IRA:		
SIMPLE IRA to Truditional IRA transfers. I assume empossibility for any tax someogeneous or penalties that may apply to the transfer of these assets and I agree that the Trustee or Custodian shall in no way be held responsible.	M Traditional [] Roth [] 401k [] Simple [] SEP Accepting Custodian Address:		
(RA Account Holder, Beneficiary or Fernier Spaces) (Date)	American Estate & Trust, LC 6900 Westcliff Dr.; Ste. 603 Las Vegas, NV 89145 Phone: (866) 654-6111 Fax: (702) 974-2524 Email: info@trusteeamerica.com		
Planer, sale that you should contest your current IRA contaction to determine if a marketten should be resolved.	Sold Segment of Asserting Controls (Controls (Controls (Control) Control (Control (C		

r.01 0-0222018

Ru Id# 14978

ATTACHMENT F

AMERICAN EQUITY TRANSFER REQUEST FORM



Faxed 51522/0129

TRANSFER REQUEST

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6 SENVELE	* ACCEPTING BYA CUSTODIAN		
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Trustee or Custodian shall in no way be held responsible			
	Accepting Custodian Address.		
(IRA Account Holder, Beneligitisty or Former Spouse) (Days)	American Estate & Trust, LC 6900 Westcliff Dr., Ste. 603		
	Las Vegas, NV 89145		
	Phone: (866) 654-6111		
	Fax: (702) 974-2524		
	Email: info@trusteeamerica.com		
Piener note that you should contact your current IRA custodian to determine if a medallion stores is required.	(Authorized Squarke of Averyting Circlindian) 5/1/18		
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c 01 - u42/2018

Rep Id # 14938

ATTACHMENT G

FIDELITY INVESTMENTS/NFS TRANSFER REQUEST FORM

Faxed 8	7/2	-2641	62
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TRANSFER REQUEST

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	Asset S. Boots D. A.
I nuthorize the transfer of the IRA assets in the menner described above and certify that all of the information provided by is correct and may be relied upon by the Trustee or Custodian.	American Estate & Trust agrees to serve as the new custodian for the account of the above named individual. We agree to accept the assets being transferred.
I understand that I am responsible for determining my eligibility to transfer within the limits set forth by tax term, related segmentons and plan agreements. Purther, I understand that a transfer from a SIMPLE IRA to SIMPLE IRA on a more frequent busin than monthly from a Designated Financial Institution, change in my transfer sequent outside my	Account Identification of Accepting IRA:
election period, may result in cents or penulties. I understand that special rules apply to SIMPLE IEA to Traditional IEA tunniles. I assume responsibility for any tax consequences or penulties that may apply to the transfer of these assets and I agree that the Transfer or Castodian shall in no very be held responsible.	Account Type being accepted: Mt Traditional [] Roth [] 401k [] Simple [] SEP
Little of Criticities man way as more conference.	Accepting Custodian Address:
(IRA Account Holder, Blabificiary or Pursuar Spoons) (Bake) (Bake)	American Estate & Trust, LC 6900 Westcliff Dr.; Ste. 603 Las Vegas, NV 89145 Phone: (866) 654-6111 Fax: (702) 974-2524 Email: info@trusteeamerica.com
Figure mote that yes should contest year correct IRA contoffen to determine if a medalika stano is consisted.	(National Signature of Accepting Controller) (Chin)

V 04 04223015

Rep Jd #14978

DECLARATION OF ARINA FILIPPENKO PURSUANT TO 28 U.S.C. § 1746

I, Arina Filippenko, hereby make the following declaration based upon by personal knowledge:

I. BACKGROUND

- I am over eighteen years of age and competent to testify to the matters included in this declaration. I am making this declaration voluntarily and based upon my personal knowledge.
- I hereby authorize the Commodity Futures Trading Commission and the States, and any of their representatives to use this declaration in any proceeding pertaining to the matters described herein.
- 3. I am a Financial Examiner with the Alaska Division of Banking and Securities ("DBS"). I conduct investigations and examinations under the Alaska Securities Act, Alaska Stat. § 45.56.100 et seq. I have worked in this capacity since April 2018. Prior to my employment with DBS, I graduated with Bachelor of Business Administration degrees in Finance and Management from the University of Alaska, Anchorage in May 2017. My responsibilities at DBS include investigating fraud, performing examinations of broker-dealer and investment adviser registrants, interviewing victims and witnesses, gathering evidence for administrative hearings, and drafting Cease and Desist Orders regarding violations of the Alaska Securities Act.
- 4. I have completed many hours of training on financial fraud, securities enforcement, depositions, internet investigations, and senior exploitation through the North American Securities Administrators Association ("NASAA"), the National White Collar Crime Center ("NW3C"), and several other organizations.
- 5. Yvonne Little is an Investigator with DBS. Investigator Little has worked in this capacity since August 2015. Investigator Little holds an Associate's degree in Applied Science,

Criminal Justice from Air University – Community College of the Air Force and a Bachelor's degree in Human Services, specializing in Criminal Justice from Wayland Baptist University.

- 6. Investigator Little's responsibilities at DBS include conducting investigations to detect, locate, and gather evidence in furtherance of civil, criminal, or administrative actions pertaining to the DBS program areas. These program areas include: securities, mortgage lending, money service business, payday lenders, small loan companies, and other financial industry entities or products, as well as persons associated with those activities. As part of her duties, Investigator Little interviews complainants, collects and analyzes physical evidence, and leads financial fraud investigations.
- 7. Investigator Little has completed many hours of training focusing on subjects such as advanced interviewing and interrogation techniques, depositions, money laundering, financial crimes against elders, and other regulator and law enforcement related courses conducted through the NASAA, the NW3C, and several other organizations.
- 8. Robert Renuart is an Investigator with DBS. Prior to working with DBS, Investigator Renuart obtained a Bachelor of Science degree with a concentration in Accounting from Nyack College. Investigator Renuart joined DBS in 2018 and has led and participated in over 20 investigations. Since 2014, he has participated in many hours of training, focusing on a wide range of topics, including: NASAA Enforcement Training, Financial Crimes Against Seniors, Financial Investigations, Cyber Investigations including Virtual Currency, Digital Forensic Analysis, Money Laundering, USACIDC Installation Fraud Investigations Course, Special Victims Capabilities Course, and other law enforcement related courses.
- 9. Investigator Renuart's responsibilities at DBS include conducting investigations to detect, locate, and gather evidence in furtherance of civil, criminal, or administrative actions pertaining to the DBS program areas. These programs include: securities, mortgage lending, money service business, payday lenders, small loan companies, and other financial industry entities or products, as well as person associated with those activities.
- 10. Investigator Little, Investigator Renuart, and I conducted the investigation into Defendants, TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC,

(collectively "Metals") Barrick Capital, Inc. ("Barrick"), Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher ("Asher"), and Simon Batashvili ("Batashvili"), (collectively, "Defendants").

II. RECORDS REVIEWED

- 11. I reviewed the following documents in preparation of this declaration!:
 - a. Notes from interviews taken by myself and other members of DBS with Alaska investors;
 - b. Documents received from Alaska investors regarding their liquidation of their securities investments and investment in precious metals sold by Metals;
 - c. Documents received from self-directed IRA ("SDIRA") custodians;
 - d. Documents received from Metals' attorneys concerning Metals' Alaska investors; and
 - e. Documents received from the financial institutions and brokerage firms from which Alaska investors withdrew retirement savings to invest in precious metals sold by Defendants.
- This declaration is based on my discussions with Alaska investors and discussions
 with Investigators Yvonne Little and Robert Renuart.

III. SUMMARY OF INVESTIGATION

- 13. In June 2019, DBS opened an investigation into Defendants.
- 14. Investigators Little, Renuart, and I collected evidence and spoke with Alaska residents who invested with Defendants.
 - 15. My analysis of the records I reviewed revealed the following information:
 - a. Defendants and their sales representatives facilitated the liquidation of Alaska investors' retirement accounts containing securities;

¹ The documents that I reviewed for the preparation of this Declaration are voluminous and therefore not all are attached; most are summarized herein. All documents can be made available for review upon request. Personal identifying information, such as account numbers and social-security numbers, have been reducted in accordance with Federal Rule of Civil Procedure 5.2.

- Defendants and their sales representatives persuaded Alaska investors to invest their retirement savings in precious metals sold by Defendants at a premium;
- Metals told several Alaska investors that precious metals investments were safer investments than traditional securities held in the investors' retirement accounts; and
- d. All of the Alaska investors who purchased precious metals from Defendants were age 60 or over, and a majority of the Alaska investors who purchased precious metals from Defendants were over the age of 65.

IV. ALASKA INVESTORS

- 1. Investigators Little and Renuart told me that they contacted Alaska Investor I ("AK1") on October 16, 2019, and that AK1 told them the following:
 - a. AK1 was a 61-year-old Alaska resident, who was injured and unable to work. AK1 had little knowledge of investing when Metals contacted them. In November of 2018, a Metals representative initially called AK1 and sporadically called AK1 through March 2019. The representative told AK1 that the stock market was going to crash and that AK1 could lose most of their retirement money. The representative emailed several online articles to AK1 that claimed that the economy would soon begin to decline. The representative assured AK1 that AK1 would not lose any money by investing in precious metals and that AK1 could retire comfortably within three to four years with over a million dollars. The representative also assured AK1 that if AK1 was unhappy with their precious metals investments, Metals would buy back the metals and help AK1 roll over their funds into a traditional retirement account.

- b. A Metals representative sent AK1 the necessary forms to facilitate the transfer. AK1 believed that they would be purchasing silver at the immediately effective price or "spot price." AK1 believed they were purchasing "proof coins," which AK1 understood to be worth more than the specialty coins Metals sold to AK1.
- c. When AK1 purchased approximately \$430,000 in silver, AK1 thought their SDIRA would be worth at least \$430,000 and would grow in value. Metals and its representatives did not tell AK1 that the SDIRA custodian valued the coins at their melt weight.
- 2. I reviewed audio records received from AK1's brokerage custodian, which showed that on February 20, 2019, a Metals representative initiated a three-way call with AK1 and AK1's brokerage custodian. The Metals representative stated that they were "helping a mutual client" but the representative did not say which company she worked for. The representative facilitated the liquidation of the securities in AK1's account.
- 3. I examined AK1's purchase invoice (Exhibit A) generated by Metals dated March 21, 2019. The invoice lists the following purchases, totaling \$430,679.36: 18,628 half-ounce silver 2019 Royal Canadian Mint Polar Bear Coins for \$430,679.36.
- 4. I reviewed AK1's SDIRA Holdings Report dated April 30, 2019, attached as Exhibit B. The holdings report stated that the value of AK1's account on April 30, 2019 was \$139,281.56.

- 5. On October 17, 2019, Investigator Little and I spoke with Alaska Investor #2 ("AK2"). At the time, AK2 was 66 years old. AK2 told Investigator Little and I the following:
 - a. AK2 was cold-called by Metals in March 2019. AK2 had limited investment knowledge at the time. AK2 spoke with several Metals representatives who insisted AK2 move the funds in their retirement account to a safer investment: silver coins and bars, held in a self-directed IRA account ("SDIRA"). Metals'

- representatives told AK2 that Metals would pay all fees related to the transaction. AK2 did not understand the difference between Metals and the SDIRA company.
- b. On April 8, 2019, AK2 decided to invest all of their retirement funds in precious metals as Metals representatives had proposed. AK2 believed they were only purchasing silver bars and coins valued at the market price of silver, not specialty coins priced by Metals. When AK2 agreed to purchase precious metals from Metals, they believed that the value of her SDIRA would be at least equal to the amount AK2 invested. Metals did not disclose to AK2 which metals it sold to AK2 nor the value of those metals. Metals did not tell AK2 that AK2's SDIRA custodian valued the coins at melt value.
- c. On May 21, 2019, AK2 found out that their SDIRA custodian valued the coins by melt weight and contacted Metals to get an itemized receipt. On May 24, Metals provided AK2 with a purchase invoice, dated April 8, 2019 (See Exhibit C).
- d. On several occasions, AK2 spoke with Metals representatives and requested a full refund from Metals for the total amount AK2 purchased. Metals told AK2 that Metals' liquidation department would contact AK2 about their request. Metals and its representatives never contacted AK2 again.
- 6. I reviewed audio records received from AK2's brokerage custodian. The audio records revealed that on March 29, 2019, a Metals representative initiated a three-way call with AK2 and AK2's brokerage firm. The Metals representative never identified the company they were working with, but facilitated the liquidation of the securities in AK2's retirement account and the transfer of all AK2's retirement funds to the SDIRA company.
- 7. I reviewed AK2's purchase invoice from Metals, attached as Exhibit C. The invoice lists the following purchases for a total of \$425,884.00:
 - a. 800 ten-ounce silver bars for \$12,720;
 - b. 800 one-ounce silver rounds for \$12,720;

- c. 800 one-ounce silver Royal Canadian Mint Maple Leaf Coins for \$13,720;
- d. 14,874 half-ounce silver 2019 Royal Canadian Mint Polar Bear Coins for \$386,724.
- 8. I reviewed AK2's SDIRA Holdings Report dated April 30, 2019, attached as Exhibit D. The holdings report stated that the total value of AK2's account on April 30, 2019 was \$147,702.50.

- 9. Investigator Renuart told me that on May 8, 2020 he spoke with Alaska Investor #3 ("AK3") who told Investigator Renuart the following:
 - a. AK3 is a 79-year-old Alaska resident. A Metals representative contacted AK3 in the summer of 2019. The representative stated that he was part of the team for President Trump and worked on the stock floor. The representative talked with AK3 about AK3's current retirement investments and suggested AK3 purchase precious metals. After speaking with the representative, AK3 decided to purchase precious metals, primarily gold, from Metals with AK3's retirement funds, about \$18,000. The Metals representative never mentioned that there would be any fees or commissions involved in the transaction.
 - b. AK3 told the representative that he mostly wanted to buy gold. Instead, AK3 noticed that their account showed that most of their funds were used to purchase silver, instead of gold.
 - c. After the purchase, AK3 received documents from the depository holding AK3's precious metals purchased from Metals. AK3 did not understand the documents and attempted to speak with Metals to clarify the purchase.
 - d. Initially, AK3's attempts to speak with Metals were not successful. After several months, AK3 finally spoke with a Metals representative who initially told AK3 that "all the gold was not there." AK3 understood that to mean

- Metals made an error when the transaction occurred. The representative told AK3 that Metals would do a "one time" transaction to change AK3's holdings to the way AK3 wanted them. AK3 also requested copies of transaction documents from Metals.
- However, Metals never completed the transaction nor provided AK3 with documents regarding the transaction.
- 10. I reviewed audio records received from AK3's brokerage custodian. The records showed that on December 12, 2019, a Metals sales representative initiated a three-way call with AK3 and AK3's brokerage custodian. The Metals representative did not state what company they were with and instead just said they were with "an outside administrator." The representative facilitated the liquidation of the security positions in AK3's account.
- 11. I am in the process of obtaining AK3's invoice for their precious metals purchased from Metals, but have not yet received the invoice.
- 12. I reviewed AK3's Holding Statement, attached as Exhibit E. The holding statement showed that on December 26, 2019, AK3's precious metals depository account held 1.318 ounces of gold in one-gram bullion bars and 303 ounces of silver in half-ounce Canadian Polar coins.

- 13. Investigator Little told me that she contacted Alaska Investor #4 ("AK4") on June 26, 2020 and that AK4 told her the following:
 - a. AK4 is a 79-year-old Alaska resident. A Barrick Capital ("Barrick") representative cold-called AK4 on or around November 2019. AK4 spoke with several Barrick representatives who told AK4 that Nancy Pelosi was going to freeze AK4's account and that the government would take one third of AK4's investment if it was not covered by the FDIC. Following the representatives' recommendations and advice, AK4 decided to close their traditional retirement account and invest in gold and silver with Barrick.

- b. The Barrick representatives assisted AK4 with completing account transfer paperwork and made all investment decisions on behalf of AK4. The representatives at Barrick spoke quickly and AK4 did not fully understand what was going on.
- c. AK4 transferred about \$40,000 of their retirement funds to the SDIRA. AK4 asked a Barrick representative for documents showing the amount of gold and silver Barrick purchased for AK4. AK4 requested Barrick to send the precious metals to AK4 directly.
- 14. I reviewed AK4's purchase invoice generated on March 5, 2020 by Barrick Capital, attached as Exhibit F. The purchase invoice lists the following purchases for a total of \$41,001.15:
 - a. 2,995 one-tenth ounce silver Brittania coins; and
 - b. 52 one-tenth ounce gold Canadian Wildlife Series coins.
- 15. I reviewed AK's SDIRA quarterly statement for the period of April 1, 2020 through June 30, 2020, attached as Exhibit G. The statement shows that on April 15, 2020, the total value of AK4's SDIRA was \$14,871.57.

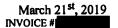
V. <u>ACTIONS TAKEN</u>

16. On July 20, 2020, DBS issued a Temporary Cease and Desist Order Effective Immediately, Assessing Civil Penalties and Notice of Final Order against TMTE, INC., a/k/a Metals, Chase Metals, Inc. and six sales representatives.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 14, 2020, in Anchorage, Alaska.

Arina Filippenko

EXHIBIT A



metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

NDTCO As Custodian FBO

IRA Acct#

Purchase Invoice

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS: Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	18,628	\$23.12	\$430,679.36
		TOTAL	\$430,679.36

EXHIBIT B

New Direction IRA, Inc

Prices as of 4/30/2019

4/30/2019

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BRANCH: 11

Product Code	Product Description	Quantity Fair Vals	<u>ie / Unit Fair Value</u>	<u>e</u>
SMLHPB19	Silver Canadian Polar Bear, 2019 1/2 oz.	18628.000 \$	7.48 \$139,281.	.56
		Total F	air Value \$139,281.	.56

EXHIBIT C

April 8th, 2019 INVOICE #[

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

NDTCO As Custodian FBO

Acct#

Purchase Invoice

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS: Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
10 oz Silver - Bar	80	\$159.00	\$12,720.00
1 oz Silver - Round .999	800	\$ 15.90	\$12,720.00
1 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999	800	\$ 17.15	\$13,720.00
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	14,874	\$26.00	\$386,724.00
		TOTAL	\$425,884.00

EXHIBIT D

New Direction IRA, Inc

Prices as of 4/30/2019

4/30/2019

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BRANCH: 11

		······································		
Product Code	Product Description	Quantity	Fair Value / Unit	<u>Fair Value</u>
SB10HIWL	Silver Bar, Highland Mint Walking Liberty 10 oz.	80.000	\$149.54	\$11,963.20
SML1	Canadian Maple Leaf 1 oz.	800.000	\$15.70	\$12,563.20
SMLHPB19	Silver Canadian Polar Bear, 2019 1/2 oz.	14874.000	\$7.48	\$111,212.90
SR1RMCBUF	Bullion Round, RMC/Buffalo 1 oz.	800.000	\$14.95	\$11,963.20
			Total Fair Value	\$147,702.50

EXHIBIT E



Holding Statement

Page 1 of 1 Report Date: 12/27/2019 As of Date: 12/26/2019



Account #:

π.

Storage Type: Non-Segregated

Custodian: DDSC

GOLD

Product Code

Product Description

Prod Balance

Gross Troy Ounces

GB1G

Bullion Bar -- 1 g.

41.000
GOLD TOTAL

1.318

SILVER

Product Code

Product Description

Prod Balance

Gross Troy Ounces

SMLHPB

Silver Canadian Polar Bear -- 1/2 oz.

606.000

303.000

SILVER TOTAL

303.000

END OF REPORT

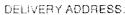
EXHIBIT F

Barrick Capital

Purchase Invoice

DATE, March 5, 2020

INVOICE NO:



ACCT NO:

EMAIL:

ira@barrickcapital.com

ADDRESS:

Delaware Depository Services Co.

3601 North Market Street Wilmington, Delaware 19802

ITEM	QTY	PRICE	TOTAL
1/10 oz Silver - Brittania Coin	2,995	\$6.85	\$20,515.75
1/10 oz Gold - Canadian Wildlife Series Coin	52	\$393.95	\$20,485.40

Subtotal: \$41,001.15

GRAND TOTAL

\$41,001.15

Questions? Email us at ira@barrickcapital.com. or call us at 1 - 888 - 605 - 5047

Barrick Capital

23638 Lyons Ave # 223 New Hall , CA 91321

888 - 605 - 5047

EXHIBIT G



P.O. Box 450369 Westlake, OH 44145

Return Service Requested

Quarterly Statement Statement Period 04/01/2020 to 06/30/2020

A01

TRADITIONAL IRA:

Messages and Announcements

The following quarterly statement reflects activity reported through June 30, 2020. To review current activity and any changes reflected after June 30, 2020, please login to www.myequity.com. If you have any questions about your statement, please contact us at help@trustetc.com.

Recent Changes to RMD Requirements:

- The Secure Act increased the age requirement for taking required minimum distributions (RMDs) from a traditional IRA, giving account holders more time to reap the benefits of tax-deferred growth.
- The new age requirement for account owners to take their first RMD increased from 70% to 72 for those individuals who reached age 70% after December 31, 2019.
- The CARES Act, recently enacted in response to the COVID-19 pandemic, has allowed for a waiver of all RMDs for 2020, inclusive of all 2019 RMDs that must be taken by April 1, 2020.
- If you have already taken your RMD, the IRS has extended the rollover period to August 31, 2020. This will not be treated as a rollover for the purposes of one rollover per 12-month
- When submitting a distribution from your IRA, please visit www.myequity.com, click on Money Movement, select Distribution, and then follow the step-by-step guide to walk you through the process.

REMINDER

Please remember that it is the account owner's responsibility to deliver all documents pertaining to your investment(s) to Equity Trust Company.

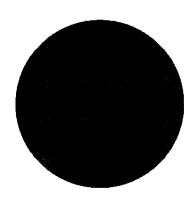
SERVICE ANNOUNCEMENTS

• Equity Trust Company will be closed on the following holiday: Monday, September 7, 2020

Customer Service 800-955-3434; please follow the provided prompts for assistance.

We appreciate the opportunity to serve you.

Asset Summary



Cash Tangible Assets

End of Period	Percentage	Market Value	
Cash	0.03%	\$4.62	
Tangible Assets	99.97%	\$14,866.95	
Total Portfolio Market Value	100.00%	\$14,871.57	



TRADITIONAL IRA:

Account Activity Summary

The information shown below will be reported to the Internal Revenue Service at the appropriate reporting time. Please notify our office in writing of any discrepancy.

Beginning Market Value	Current Period 04/01/2020 to 06/30/2020 \$41,435.32	Year-to-Date 01/01/2020 to 06/30/2020 \$0.00
Interest Earned on Cash Account	\$0.45	\$0.45
Transfers in	\$0.00	\$41,695.32
Investment Purchases	\$0.00	-\$41,001.15
Expenses and Fees	\$0.00	-\$260.00
Distributions	-\$430.00	-\$430.00
Net Sweep Activity	\$429.55	-\$4.62
Change in Investment Value	-\$26,563.75	\$14,871.57
Ending Market Value on 06/30/2020	\$14,871.57	\$14,871.57
Pending Investment Purchases	\$0.00	
Ending Market Value including Pending Investment Purchases	\$14,871.57	-

Beneficiaries for this Account			Accou	nt Relationships
Name	Primary / Secondary Primary	Percentage 33.40%	Name Barrick Capital Inc.	Relationship Precious Metals Dealer
	Primary Primary	33.30% 33.30%		, , , , , , , , , , , , , , , , , , , ,



TRADITIONAL IRA:

Transaction Activity Uninvested Cash Account

Date	Description	Asset	Amount	Balance
В	Seginning Balance on 04/01/2020			\$0.00
04/01/2020	Credit Interest	CASH-INV	\$0.41	
	Interest Deposit Account	CASH-INV		
	Trade Date: 04/01/20, Settle Date:			
	04/01/20			
04/15/2020	Receive Free	Gold 1/10 oz Canadian Polar	\$0.00	
	Investment Purchase	Bear 2020		
	Trade Date: 04/15/20, Settle Date:	S00084031		
	04/15/20			
	52.00 Shares			
04/15/2020	Receive Free	Silver Britainnia Coin 2020 1/10	\$0.00	
	Investment Purchase	OZ		
	Trade Date: 04/15/20, Settle Date:	S00082218		
	04/15/20			
	2,995.00 Shares		** **	
05/01/2020	Credit Interest	CASH-INV	\$0.02	
	Interest Deposit Account	CASH-INV		
	Trade Date: 05/01/20, Settle Date:			
	05/01/20		60.00	
06/01/2020	Credit Interest	CASH-INV	\$0.02	
	Interest Deposit Account	CASH-INV		
	Trade Date: 06/01/20, Settle Date:			
	06/01/20		¢420.00	
06/23/2020	Check Disbursement		-\$430.00	
	Normal Distribution			
	Normal Distribution			
	Net Cash Invested		\$429.55	
E	Ending Balance on 06/30/2020			\$0.00



		Investme	nt Positions		
Tangible As	sets				
S00078380	Barrick Capital Inc.				
		Price per share/	Number of		
Date	Activity	Unit Price	Shares/Units/Dollars	Transaction Amount	Market Value
04/16/2020	Free Deliver		41,001.1500	0.00	
	Settlement				
	Trade Date: 04/16/20, Settle Date:				
	04/16/20 41,001.15 Shares				
S00084031	Gold 1/10 oz Canadian Po	olar Bear 2020			
300004031	Gold 1710 02 Calladian Fo		N		
Date	A maticular.	Price per share/ Unit Price	Number of Shares/Units/Dollars	Transaction Amount	Market Value
	Activity	OTHET TICE	Shares/Offics/Dollars	Transaction Amount	Market Value
	nning Balance Receive Free	470.35	E2 0000	0.00	
U4/15/2020	Investment Purchase	179.35	52.0000	0.00	
	Trade Date: 04/15/20, Settle Date:				
	04/15/20				
	52.00 Shares				
Endi	ng Balance		52.0000		\$9,326.20
S00082218	Silver Britainnia Coin 202	20 1/10 OZ			
		Price per share/	Number of		
Date	Activity	Unit Price	Shares/Units/Dollars	Transaction Amount	Market Value
	nning Balance				
04/15/2020	Receive Free	1.85	2,995.0000	0.00	
	Investment Purchase		,		
	Trade Date: 04/15/20, Settle Date:				
	04/15/20				
-	2,995.00 Shares		0.005.0000		AC 540 75
Endi	ng Balance		2,995.0000		\$5,540.75
Cash					
CASHINV	CASH-INV				
		Price per share/	Number of		
Date	Activity	Unit Price	Shares/Units/Dollars	Transaction Amount	Market Value
Begi	nning Balance		434.1700		\$434.17
	Credit Interest	1.00		0.41	
	Interest Deposit Account				
	Trade Date: 04/01/20, Settle Date:				
	04/01/20				
04/01/2020	Sweep Buy	1.00	0.4100	-0.41	
	Trade Date: 04/01/20, Settle Date: 04/01/20				
	0.41 Shares				
05/01/2020	Credit Interest	1.00		0.02	
33/0 //2020	Interest Deposit Account			V.U2	
	Trade Date: 05/01/20, Settle Date:				
	05/01/20				



TRADITIONAL IRA:

	Invest	tment Positio	ns (Continued)		
05/01/2020	Sweep Buy Trade Date: 05/01/20, Settle Date: 05/01/20	1.00	0.0200	-0.02	
06/01/2020	0.02 Shares Credit Interest Interest Deposit Account Trade Date: 06/01/20, Settle Date: 06/01/20	1.00		0.02	
06/01/2020	Sweep Buy Trade Date: 06/01/20, Settle Date: 06/01/20 0.02 Shares	1.00	0.0200	-0.02	
06/23/2020	Sweep Sell Trade Date: 06/23/20, Settle Date: 06/23/20 430.00 Shares	1.00	430.0000	430.00	
Endi	ng Balance		4.6200		\$4.62
ACCOUNT	TOTAL =				\$14,871.57



TRADITIONAL IRA:

Important Information Regarding Your Statement

EQUITY TRUST COMPANY STATEMENT OF ACCOUNT

1. Valuation

For assets where value is readily ascertainable on an established exchange or generally recognized market, we will report values for such assets as derived from sources commonly used by the financial services industry. The amounts reflected in this statement are month-end prices, as derived from such outside sources. Alternative investments, such as direct participation program securities (e.g., partnerships and limited liability companies which are not listed on any exchange), private equity, private debt and hedge funds are generally illiquid investments and their current values may be different from the purchase price. The values shown on this statement for such illiquid investments may have been provided by the management, administrator or sponsor of each program and may represent an estimate of the value of the investor's participation in the program. Therefore, the price received at the time of liquidation could be more or less than the per share estimated value provided in the statement.

For other assets where the value is not readily ascertainable, we will report the value at the asset's last known fair market value as provided by you via a qualified independent appraisal of the asset(s), other valuation method accepted by us or at the asset's acquisition cost if no such appraisal is given to us

For precious metals, the valuation shown on your statement is the spot price and only an indication of value. The spot price may not represent the value received if you sell the precious metals in your account. The spot price should not be construed as a firm price to buy by any broker or dealer. The spot price does not include any dealer mark-ups, mark-downs, or commissions. Pricing of specific bullion products may be obtained from various sources, including your precious metals dealer, your financial advisor or on the internet at such sites like www.BullionValues.org.

For all custodial assets, Equity Trust Company does not guarantee or verify the accuracy of the prices obtained by outside services or from any other source, including an independent appraisal provided by you. Such values may be general approximations and are only for guidance and reporting purposes and should not be deemed to be an accurate representation of the true fair market value of such asset(s).

2. Total Portfolio Value

This figure represents an estimate of the total value of all your assets on the settlement date, including all money funds, based on the combination of the settled money balances, if any, and the value of the other assets listed.

3. Errors and Discrepancies

Be advised you have 60 days from the date of mailing or the date this statement is made available to you to object to any matter contained herein. If you fail to object to such statement within the prescribed time period, you will be deemed to have approved and accepted this statement as is, absent fraud or intentional misrepresentation by Equity Trust.

4. Investment Responsibility

Investments held at Equity Trust are selected by the customer for his/her own account and Equity Trust does not guarantee the return of such investments.

5. Note for Precious Metals

Proof coins must be encapsulated in complete, original mint packaging, including certificate of authenticity, and in excellent condition. Non-proof coins must be in Brilliant Uncirculated condition and free from damage.

BROKERAGE MATTERS

Securities brokerage accounts may only be established and maintained with registered broker-dealers. Equity Trust is not a broker-dealer and does not provide or perform brokerage transactions or services. All such transactions and services are provided through a broker-dealer selected by the customer. Brokerage accounts established by the customer are not bank accounts and neither the brokerage account nor the securities purchased, sold, or held therein are FDIC insured. Securities and cash held in a brokerage account are not deposits or obligations of Equity Trust, are not guaranteed by Equity Trust and are subject to investment risks including loss of principal. Securities transactions executed through Equity Trust's broker-dealer affiliate, ETC Brokerage Services (Member FINRA and SIPC) are cleared through and the securities are held in custody by an unaffiliated, third party clearing firm. For investment transactions conducted through a brokerage account, you should refer to the periodic statement provided by your broker.

DECLARATION OF MICHAEL STRICKLAND

- I, Michael Strickland, hereby declare and state the following:
- I am over eighteen years of age and competent to testify to the matters included in this declaration. I am making this declaration voluntarily and based upon my personal knowledge.
- I hereby authorize the Commodity Futures Trading Commission and the States, and any of their representatives to use this declaration in any proceeding pertaining to the matters described herein.

I.

EDUCATION AND EXPERIENCE

- 3. I am an investigator with the California Department of Business Oversight ("State of California"). My job duties include interviewing witnesses and subjects, gathering and reviewing documents, and investigating and locating individuals and companies. I have been with the State of California for over one year.
- 4. Prior to joining the State of California, I worked for the San Bernardino County Sheriff's Department for 31 years. My job duties at the Sheriff's Department included interviewing victims and suspects and investigating potential violations of the law.
- I graduated from San Bernardino Valley College with an associate degree in Business Administration and Criminal Justice. I also attended Azusa Pacific University.

II.

DOCUMENTS REVIEWED

6. In July and August of 2020, I interviewed California Investors #1-8 and Louisiana Investor #1. This declaration is based on my discussions with these investors, documents they

provided to the State of California, documents that TMTE, Inc. dba Metals.com (Metals.com) produced in response to a demand letter and follow up requests, and information from the wholesaler that Metals.com purchased precious metals from ("Third-Party Wholesaler"), produced in response to a subpoena.¹

III.

INVESTOR INTERVIEWS

7. The information in this section of my declaration is from the investor noted, and summarizes what each investor told me, unless otherwise specified.

- 8. In or around April of 2019, California Investor #1 was 73 years old and resided in Ventura, California. He received a phone call from a Metals.com sales representative who advised him that the stock market was due for an imminent, major crash, worse than the 2008 crash. The sales representative advised him to sell his securities invested in the stock market to purchase precious metals. He was not interested, but the sales representative kept calling.
- 9. The sales representative informed California Investor #1 that Metals.com would pick the best distribution for growth and stability, with rock solid value and stability, and that he would earn money, not lose it.
- 10. Based on the sales representative's representations, California Investor #1 allowed Metals.com to facilitate the sale of securities held in California Investor #1's retirement account and transfer the proceeds to a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.

¹ The documents that I reviewed are voluminous and many are summarized but not attached. All documents can be made available for review upon request. Personal identifying information on documents, such as account numbers and social-security numbers, have been redacted in accordance with Federal Rule of Civil Procedure 5.2.

- 11. It was California Investor #1's understanding that he would not take possession of the precious metals, but that a third party would store the metals for him.
- 12. California Investor #1 did not have experience investing in precious metals. He trusted Metals.com and its representatives to choose which precious metals to purchase.
- 13. Metals.com and its representatives did not disclose to California Investor #1 the amount they paid to purchase the precious metals.
- 14. Metals.com did not provide a written invoice showing which precious metals

 California Investor #1 purchased until after the transaction was completed, and only then, after
 the investor requested it.
- 15. I reviewed California Investor #1's invoice from Metals.com, a true and correct copy is attached as Exhibit A, and information from Metals.com's Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #1's investment to purchase 8,000 ½ oz. silver 2019 "Royal Canadian Mint Polar Bear Coin .9999" for \$25.12 each. California Investor #1 confirmed that Metals.com failed to disclose that it purchased these silver Polar Bear coins from the Third-Party Wholesaler for \$10.41 each, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.
- 16. California Investor #1's invoice also shows that Metals.com used his investment money to purchase the 1/10 oz. Gold Royal Canadian Mint Polar Bear coins and the ¼ oz. Gold British Standard coins.
- 17. California Investor #1 is distraught because Metals.com does not return his calls and he cannot get his money back. This has impacted him greatly because he plans to give the proceeds from the sale of the precious metals to his family as an inheritance.

- 18. In or around January of 2018, California Investor #2 was 68 years old and resided in Vallejo, California. She saw an advertisement for Metals.com on the internet and called the number.
- 19. She spoke with a Metals.com sales representative who warned of another stock market crash (like the 2008 crash) and pressured her to transfer her retirement savings right away because the longer she waited, the more she would lose.
- 20. The sales representative informed her that precious metals were the most safe and stable investment possible, the value of gold and silver goes up when the market goes down, gold was more stable than the stock market because the market is so volatile, and investing in gold and silver would protect her investment.
- 21. Her retirement funds were in an annuity with an approximate \$27,500 early withdrawal penalty.
- 22. The sales representative saw from California Investor #2's annuity statements that she withdrew funds each month for living expenses. The sales representative assured her that she would have access to her funds whenever she needed them if she purchased precious metals with Metals.com.
- 23. Based on the sales representative's representations, she allowed Metals.com to facilitate the sale of her annuity and transfer the proceeds into a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.
- 24. It was her understanding that she would not take possession of the metals, but that a third party would store them for her.

- 25. California Investor #2 did not have experience investing in metals. She trusted Metals.com and its representatives to choose which precious metals to purchase.
- 26. Metals.com and its representatives did not disclose the amount that they paid for the precious metals.
- 27. Metals.com did not provide a written invoice showing which precious metals California Investor #2 purchased until after the transaction was completed.
- 28. I reviewed California Investor #2's invoices from Metals.com, true and correct copies are attached as Exhibit B, and information from the Third-Party Wholesaler. Based on my review, Metals.com used almost a majority of California Investor #2's investment to purchase 5,840 ½ oz. silver 2018 "Royal Canadian Mint Polar Bear Coin .9999" for \$25.00 each. California Investor #2 confirmed that Metals.com failed to tell her that it purchased the silver polar bear coins for \$11.25 each from the Third-Party Wholesaler, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.
- 29. From December of 2019 through June of 2020, a Metals.com representative told her that in fact she could not have access to her invested funds whenever she needed them but could only cash out a limited number of coins at a time.
- 30. California Investor #2 is retired and on Social Security. From December of 2019 through June of 2020, she had to borrow money to pay rent and basic living expenses because she was not able to timely sell enough precious metals each month to meet these expenses contrary to her experience with her annuity where she was able to withdraw funds monthly. She suffered anxiety and apprehension not knowing when she would be able to access her funds.

- 31. In or around April of 2019, California Investor #3 was 69 years old and resided in Lemon Grove, California. He saw an advertisement for Metals.com on the internet.
- 32. He spoke with a Metals.com sales representative who informed him that the value of gold and silver were rising, investing in gold and silver were safe, and that he needed to move his money out of the stock market before he lost money.
- 33. Based on the sales representative's representations, California Investor #3 allowed Metals.com to facilitate the sale of securities from his retirement fund and transfer the proceeds to a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.
- 34. It was his understanding that he would not take possession of the metals, but that a third party would store the metals for him.
- 35. He did not have experience investing in metals. He trusted Metals.com and its representatives to choose which precious metals to purchase.
- 36. Metals.com and its representatives did not disclose the amount that they paid for the precious metals.
- 37. Metals.com did not provide a written invoice showing which precious metals California Investor #3 purchased until approximately one month after the transaction was completed.
- 38. I reviewed California Investor #3's Metals.com invoice, a true and correct copy is attached as Exhibit C, and information from the Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #3's investment to purchase 4,365 ½ oz. silver "2019 Royal Canadian Mint Polar Bear Coin .9999" for \$25.31 each. California Investor #3 confirmed that Metals.com failed to tell him that it purchased the silver polar bear coins for

\$10.47 each from the Third-Party Wholesaler, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.

- 39. California Investor #3's invoice also shows that Metals.com used his investment money to purchase 1/10 oz. Gold Royal Canadian Mint Polar Bear coins and the ¼ oz. Gold British Standard coins.
- 40. Since he invested, he has been told by Metals.com representatives that he can only sell a limited number of precious metals back to the company at a time and will have to wait to sell more.
- 41. California Investor #3 reports he has had a terrible experience with Metals.com.

 He planned to buy a home to live out his retirement years, paid for with the profit and proceeds from the sale of the precious metals. Because he cannot sell the metals for cash, his plans have been crushed.

- 42. In or around December of 2018, California Investor #4 was 76 years old and resided in Castro Valley, California. He received a phone call from Metals.com after responding to an ad he heard while listening to a political commentator's radio program.
- 43. He spoke with a Metals.com sales representative who advised him that the value of gold and silver were going up while the economy was going down.
- 44. The sales representative informed him that he should transfer his retirement savings out of the stock market to purchase gold and silver precious metals through Metals.com, and that Metals.com would only get a 1% fee on the transaction.
- 45. Based on the sales representative's representations, he allowed Metals.com to facilitate the sale of securities from his retirement account and transfer the proceeds to a self-

directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.

- 46. It was his understanding that he would not take possession of the metals, but that a third party would store the metals for him.
- 47. California Investor #4 had some, but not much experience investing in metals. He trusted Metals.com and its representatives to choose which precious to purchase.
- 48. Metals.com and its representatives did not disclose to California Investor #4 the amount they paid for the precious metals.
- 49. Metals.com did not provide a written invoice showing which precious metals

 California Investor #4 purchased until after the transaction was completed, and only then, after
 he requested it.
- 50. I reviewed California Investor #4's Metals.com invoice, a true and correct copy is attached as Exhibit D, and information from Metals.com's Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #4's investment to purchase 8,458 ½ oz. silver 2018 "Royal Canadian Mint Polar Bear Coin .9999" for \$25.89 each. California Investor #4 confirmed that Metals.com failed to disclose that it purchased the silver Polar Bear coins for \$10.30 each from the Third-Party Wholesaler, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.
- 51. Prior to investing, Metals.com returned his calls promptly. Since investing, it takes several calls to get through, if at all.
- 52. The inability to get a hold of Metals.com and get his money back has impacted California Investor #4 greatly because he invested his life savings.

- 53. In or around March of 2018, California Investor #5 was 59 years old and resided in San Pedro, California. He heard an advertisement for Metals.com on the radio and called the number.
- 54. A Metals.com sales representative returned his call and warned of an imminent stock market crash (like the 2008 crash) in which the value of precious metals will rapidly increase while stocks crash. According to the sales representative, when the crash hit, gold and silver would be up 13% in the first year and precious metals were a reliable, safe investment.
- 55. California Investor #5 informed the sales representative that he did not have experience investing in metals, and that he would need to be able to sell the precious metals regularly to pay for living expenses.
- 56. The sales representative assured California Investor #5 that Metals.com would buy back as many metals as he wants, whenever he wants, and that he was getting a terrific deal on the precious metals.
- 57. Based on the sales representative's representations, California Investor #5 allowed the sales representative to facilitate the sale of his annuity and transfer the proceeds into a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.
- 58. It was California Investor #5's understanding that he would not take possession of the precious metals, but that a third party would store the precious metals for him.
- 59. He did not have experience investing in metals. He trusted Metals.com and its representatives to choose which precious metals to purchase.
- 60. Metals.com and its representatives did not disclose the amount they paid to purchase the precious metals.

- 61. California Investor #5 met the sales representative in person at a coffee shop to sign documents. He was not given a copy of the documents that he signed.
- 62. Metals.com did not provide a written invoice showing which precious metals California Investor #5 purchased until months after the transaction was completed.
- 63. I reviewed California Investor #5's Metals.com invoice, a true and correct copy is attached as Exhibit E, and information from the Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #5's investment to purchase 6,139 ½ oz. silver 2018 "Royal Canadian Mint Polar Bear Coin .9999" for \$25.98 each. California Investor #5 confirmed that Metals.com failed to tell him that it purchased the silver polar bear coins from the Third-Party Wholesaler for \$11.12 each, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit.
- 64. California Investor #5's invoice also shows that Metals.com used his investment money to purchase the ¼ oz. Gold British Standard coins.
- 65. Prior to investing, Metals.com returned his call typically within 20 minutes.

 Since investing, it takes weeks to receive a return call, if at all. Metals.com has recently only offered to sell \$5,000 worth of coins, if at all.
- 66. California Investor #5 needs to sell precious metals each month to pay for living and medical expenses; he is unable to do so through Metals.com. He is unable to access the retirement account that took 17 years to save. This experience has taken years off his life. He is now living in poverty and is unable to pay for living expenses.

California Investor #6

67. In or around January of 2018, California Investor #6 was 69 years old and resided in Placentia, California. She received a phone call from Metals.com.

- 68. She spoke with Metals.com representatives #1 and #2 who advised her that it is important to transfer her money from securities to precious metals.
 - 69. Metals.com representatives #1 and #2 also touted metals' tax advantages.
- 70. Based on my review of the documents that Metals.com produced in response to a demand letter, on January 26, 2018, sales representative #1 sent California Investor #6 an email. A true and correct copy is attached hereto as Exhibit F. The email stressed that it was important for California Investor #6 to learn the truth about why her account structure in the securities markets was dangerous to her financial future.
- 71. Based on the sales representatives' representations, California Investor #6 allowed Metals.com to facilitate the sale of securities held in her and her husband's retirement accounts and transfer the proceeds to a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.
- 72. It was California Investor #6's understanding that she would not take possession of the metals, but that a third party would store the precious metals for her and her husband.
- 73. She did not have experience investing in metals. She trusted Metals.com and its representatives to choose the precious metals to purchase, however she informed sales representative #1 and/or sales representative #2 that she wanted to invest in more gold than silver.
- 74. Metals.com and its representatives did not disclose the amount that they paid for the precious metals.
- 75. I reviewed California Investor #6's Metals.com invoices, true and correct copies are attached as Exhibit G, and information from the Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #6's investment to purchase 10,057

½ oz. silver 2018 "Royal Canadian Mint Polar Bear Coin .9999" for \$25.52, each, on average, over the course of three transactions. California Investor #6 confirmed that Metals.com failed to tell her that it purchased the silver polar bear coins from the Third-Party Wholesaler for \$10.80 each, on average, over the course of three transactions, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transactions.

- 76. California Investor #6's invoice also shows that Metals.com used her investment money to purchase the 1/10 oz. Gold Royal Canadian Mint Polar Bear Coins.
- 77. After reviewing California Investor #6's Metals.com invoice, I determined that contrary to her instructions, Metals.com and its representatives only placed approximately 30% of her portfolio in gold, and approximately 70% in silver.
 - 78. She has been calling Metals.com but no one returns her calls.
- 79. California Investor #6 is devastated. Her husband and son have medical conditions. Not having the funds from the sale of the precious metals impacts her greatly because she may not be able to afford medical care.

California Investor #7

- 80. In or around March of 2019, California Investor #7 was 49 years old and resided in Santa Ana, California. She was contacted by a Metals.com sales representative who represented that Metals.com was part of a well-known financial commentator's program, which she is a member.
- 81. The sales representative advised her that she should sell the securities held in her retirement account to purchase gold and silver precious metals.
- 82. On March 8, 2019, the sales representative sent her an email, a true and correct copy is attached hereto as Exhibit H, stating that "Metals.com will cover all account

transfer/rollover fees, set up fees and three years of account fees (including metals storage fees)."

- 83. In or around March of 2019, the sales representative told her that Metals.com will buy back her precious metals at any time for the market value.
- 84. On April 2, 2019, Metals.com's IRA Processing representative asked her to sign a Transfer/Rollover Form, a true and correct copy is attached hereto as Exhibit I.
- 85. Based on the sales representative's representations, California Investor #7 allowed Metals.com to facilitate the sale of securities from her retirement account and transfer the proceeds to a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.
- 86. It was California Investor #7's understanding that she would not take possession of the metals, but that a third party would store the precious metals for her.
- 87. She did not have experience investing in metals. She told the sales representative that she wanted to invest in precious metals that were close to the spot price. She trusted Metals.com and its representatives to choose which precious metals to purchase.
- 88. Metals.com and its representatives did not disclose the amount that they paid for the precious metals.
- 89. Metals.com did not provide a written invoice showing which precious metals California Investor #7 purchased until after the transaction was completed.
- 90. I reviewed California Investor #7's Metals.com invoice, a true and correct copy is attached as Exhibit J, and information from the Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #7's investment money to purchase 854 ½ oz. silver 2019 "Royal Canadian Mint Polar Bear Coin .9999" for \$25.36 each. California

Investor #7 confirmed that Metals.com failed to tell her that it purchased the silver polar bear coins from the Third-Party Wholesaler for \$10.53 each, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.

- 91. California Investor #7's invoice also shows that Metals.com placed her investment in the 1/10 oz. Gold Royal Canadian Mint Polar Bear Coins.
- 92. In or around January of 2020, she received a letter from the self-directed individual retirement account custodian, a true and correct copy is attached as Exhibit K, stating that as of December 30, 2019, TMTE, Inc. dba Metals.com would no longer pay for the self-directed IRA fees.
- 93. Prior to investing, Metals.com returned her calls promptly. Since investing, it now takes weeks to receive a return call, if at all.
- 94. In 2020, a Metals.com representative informed her that the company will only buy \$5,000 worth of her coins back. The Metals.com sales representative subsequently informed her that Metals.com cannot buy any of her precious metals back, and she should try to sell them herself. The Metals.com representative then offered to buy the precious metals back for a discount after she told him that she was complaining to the regulators.
- 95. Her experience with Metals.com has been terrible. She is very disappointed.

 California Investor #8
- 96. In or around November of 2018, California Investor #8 was 70 years old and her husband was 71 years old. They resided in San Jose, California. She saw an ad for Metals.com on the internet.

- 97. They spoke with a Metals.com sales representatives who told them that he would take care of everything for the investment, including deciding which coins to invest in and the portfolio composition.
- 98. Based on the sales representative's representations, her and her husband allowed Metals.com to facilitate the transfer of funds from their individual retirement accounts into a self-directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.
- 99. It was California Investor #8's understanding that she would not take possession of the precious metals, but that a third party would store the precious metals for her and her husband.
- 100. They did not have experience investing in metals. They trusted Metals.com and its representatives to choose which precious metals to purchase.
- 101. Metals.com and its representatives did not disclose the amount that they paid for the precious metals.
- 102. Metals.com did not provide a written invoice showing which precious metals California Investor #8 purchased until after the transaction was completed.
- 103. I reviewed California Investor #8's Metals.com invoices, true and correct copies are attached as Exhibit L, and information from the Third-Party Wholesaler. Based on my review, Metals.com used a majority of California Investor #8's investment to purchase 34,067 ½ oz. silver 2018 "Royal Canadian Mint Polar Bear Coin .9999" for \$23.30 each, on average, over the course of four transactions. California Investor #8 confirmed that Metals.com failed to disclose that it purchased the silver polar bear coins from the Third-Party Wholesaler for \$10.21

each, on average, over the course of four transactions, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.

- 104. California Investor #8's invoices also show that Metals.com used their investment money to purchase the 1/10 oz. Gold Royal Canadian Mint Polar Bear Coins and the ¼ oz. Gold British Standard coins.
- 105. Their experience with Metals.com has been very stressful and frustrating. They have had lots of problems because of it.

Louisiana Investor #1

- 106. In or around February of 2018, Louisiana Investor #1 was 65 years old and resided in Pride, Louisiana. She saw an ad on the internet under a famous conservative political commentator's page regarding investing in metals.
- 107. She spoke with a Metals.com sales representative who called her several times about investing in gold and silver. She was not interested at first, but the sales representative continued to call and harass her.
- 108. The sales representative stated that the gold and silver market was very stable, silver does not lose its value, and that it was important to move her money out of the unstable securities market and into precious metals.
- 109. She told the Metals.com sales representative that she needed her investment to be safe given her medical condition. The sales representative advised her that she would lose money if she kept her funds in the securities market, metals are the safest investment possible, and she needed to move quick or she would lose.
- 110. Based on the sales representative's representations, she allowed Metals.com to facilitate the sale of securities held in her retirement account and transfer the proceeds to a self-

directed individual retirement account. Metals.com and its representatives then used those proceeds to purchase precious metals.

- 111. It was Louisiana Investor #1's understanding that she would not take possession of the precious metals, but that a third party would store the precious metals for her.
- 112. She did not have experience investing in metals. She trusted Metals.com and its representatives to choose which precious metals to purchase.
- 113. Metals.com and its representatives did not disclose the amount that they paid for the precious metals.
- 114. I reviewed Louisiana Investor #1's Metals.com invoice, a true and correct copy is attached as Exhibit M, and information from the Third-Party Wholesaler. Based on my review, Metals.com used a majority of Louisiana Investor #1's investment to purchase 2,040 ½ oz. silver "2018 Royal Canadian Mint Polar Bear Coin .9999" for \$24,94 each. Louisiana Investor #1 confirmed that Metals.com failed to disclose that it purchased the silver polar bear coins from the Third-Party Wholesaler for \$11.18, failed to disclose the markup on the coins, and failed to disclose Metals.com's profit on the transaction.
- 115. Her experience with Metals.com has been a terrible nightmare. Since investing with them, she has become depressed and had to go on medication.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 11 day of September 2020 at 105 April California.

MICHAEL STRICKLAND

EXHIBIT A

April 24th, 2019 INVOICE #[RK42419JC]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



Purchase Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1 g Gold - Bar	100	\$49.84	\$4,984.00
1/10 oz Gold - 2019 Royal Canadian Mint Polar Bear Coin .9999	373	\$298.47	\$111,329.31
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	8,000	\$25.12	\$200,960.00
1/4 oz Gold - 2019 British Standard Coin .9999	55	\$739.57	\$40,676.35
	<u>I</u>	TOTAL	\$357,949.66

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EXHIBIT B

February 2nd, 2018 INVOICE #[LM2218]

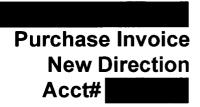
metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Gold - Gold Standard - 0.25 oz	200	\$687.80	\$137,560.00
Gold - Canadian Maple Leaf Coin .9999 - 0.1 oz	54	\$139.00	\$7,506.00
		1	
		TOTAL	\$145,066.00

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February 6th, 2018 INVOICE #[LM2618ML]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Canadian Maple Leaf Coin .9999 - 1.0 oz	200	\$17.18	\$3,436.00
Silver - America The Beautiful Coin - ATB - 5.0 oz	25	\$101.00	\$2,525.00
Silver - 2018 Polar Bear Coin .9999 - 0.5 oz	5,840	\$25.00	\$146,000.00
Silver - 2010 Foldi Dear Coll 1.3333 - 0.3 02	3,040	Ψ25.00	Ψ140,000.00
		TOTAL	\$151,961.00

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EXHIBIT C

April 1st, 2019 INVOICE #[SR4119JJ]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

NDTCO As Custodian FBO

Acct#

Purchase Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1 oz Gold - Royal Canadian Mint Maple Leaf Coin .9999	6	\$1,322.00	\$7,932.00
1 oz Silver - Round .999	200	\$15.98	\$3,196.00
10 oz Silver - Bar	20	\$159.80	\$3,196.00
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	4,365	\$25.31	\$110,478.15
1/4 oz Gold - 2019 British Standard Coin .9999	15	\$678.67	\$10,180.05
1/10 oz Gold - 2019 Royal Canadian Mint Polar Bear Coin .9999	40	\$273.87	\$10,954.80
		TOTAL	\$145,937.00

TMTE_CA_00002

EXHIBIT D

December 19th, 2018 INVOICE #[WV121918JB]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO
Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
10.0 oz Silver - Bar	40	\$157.00	\$6,280.00
1.0 oz Silver - Buffalo Round .999	400	\$15.70	\$6,280.00
1.0 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999	400	\$16.10	\$6,440.00
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	8,458	\$25.89	\$218,977.62
		TOTAL	\$237,977.62

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Confidential

EXHIBIT E

May 29th, 2018 INVOICE #[MB52918MB]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	6,139	\$25.98	\$159,491.22
Gold - 2018 British Sovereign Mint Gold Standard Coin .9999 - 1/4 oz	219	\$679.00	\$148,701.00
Silver - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	99	\$16.99	\$1,682.01
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1/20 oz	29	\$80.99	\$2,348.71
Silver - Bar - 10.0 oz	9	\$165.00	\$1,485.00
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	1	\$1,299.00	\$1,299.00
		TOTAL	\$315,006.94

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EXHIBIT F

From: Sean Reagan

Sent: Friday, January 26, 2018 6:08 PM

To: ail ail ail ail Subject: Sean Hannity viewers...

Hello &

It was a pleasure speaking with you today. It is imperative that you learn the TRUTH. Please watch these videos and read the information below to understand why your current account structure is dangerous to your financial future.

- *Please click the link to view the webinar:*
- *Doug Casey- High Unemployment & High Inflation Coming. Buy Gold & Silver
- <===MUST WATCH*
- *Dr. Laurence Kotlikoff SIPC Running a Ponzi Scheme
- *
- *First Majestic CEO: \$140 Silver by 2019 Still Possible Bloomberg*
- https://www.bloomberg.com/news/videos/2016-08-10/first-majestic-ceo-140-silver-by-2019-still-possible
- *Articles:*
- *Chance of US stock market correction now at 70 percent: Vanguard Group
- https://www.cnbc.com/2017/11/27/chance-of-us-stock-market-correction-now-at-70-percent-vanguard.html
- *Bull Market Heading for Major Correction in 2018, Bank of America Says
- https://www.thestreet.com/story/14411788/1/bank-of-america-says-bull-market-nearing-end-of-leash.html
- *You're Just Not Prepared For What's Coming*
- http://www.zerohedge.com/news/2017-12-02/youre-just-not-prepared-whats-coming>
- *JIM ROGERS: The worst crash in our lifetime is coming
- http://www.businessinsider.com/jim-rogers-worst-crash-lifetime-coming-2017-6*
- *At 2:00am PDT the senate was taking away rights to seek justice against your financial institution
- http://www.businessinsider.com/ap-the-latest-senate-votes-to-repeal-consumer-rule-2017-10
- http://www.businessinsider.com/ap-the-latest-senate-votes-to-repeal-consumer-rule-2017-10>
- *Governments Are Testing Their Own Cryptocurrencies
- https://www.technologyreview.com/s/608910/governments-are-testing-their-own-cryptocurrencies/>
- *"It's A Huge Story": China Launching "Petroyuan" In Two Months
- http://www.zerohedge.com/news/2017-10-24/its-huge-story-china-launching-petroyuan-two-months>*
- *Self Directed IRAs:*
- *NEWDIRECTIONIRA.COM http://newdirectionira.com/>*

TMTE_CA_01249

Why should you consider a self-directed IRA instead of a traditional type of account?

Your retirement is at stake with the new laws that are in place. These are troubled times, financially and beyond, IRA accounts are traditionally dependent upon a select group of stocks, bond and or mutual funds which are inextricably linked to the economy in good times and in bad. Therefore, when the economy suffers, the value of many IRA accounts also begins to plunge. The solution for many conservative investors who want to avoid leverage and have a fully allocated account is a no-fee, no tax Self-Directed IRA. It puts you back in control because it cannot be leveraged, frozen or converted into a bond.

Your primary objective should be to remove the counter party risks and eliminate IRA fees.

I have attached our company brochure regarding acquiring precious metals in your overall portfolio and savings. We help our clients to diversify in physical metals for delivery and/or physical metals in a secured self-directed IRA/Home Storage IRA accounts.

- *If you have any of the retirement / investment vehicles listed below, they are not backed by the state and are NOT FDIC INSURED:*
- *- 401k/ 403b/ 457b*
- *- Annuities*
- *- Bonds*
- *- Life Insurance Policies*
- *- Mutual Funds*
- *- Pensions*
- *- Roth IRA*
- *- **Safe Deposit Boxes*
- *- **Sep IRA*
- *- Stocks*
- *- Traditional IRA*
- *- TSP*
- ***Also NOT protected against robberies & theft*
- *Proof Straight From The Source FDIC's Website https://www.fdic.gov/consumers/consumer/information/fdiciorn.html
- *Your state does NOT guarantee or insure your current investments https://www.immediateannuities.com/state-guaranty-associations/>*

---- Message truncated ----

CONFIDENTIAL TMTE_CA_01250

EXHIBIT G

February 7th, 2018 INVOICE #[SR2718JF]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Canadian Maple Leaf Coin .9999 - 1.0 oz	-		
Gilver - Carradian Maple Lear Com . 3333 - 1.0 62	100	\$18.97	\$1,897.00
Silver - 2018 Polar Bear Coin .9999 - 0.5 oz	7,148	\$26.00	\$185,848.00
Silver - Silver Bar - 10.0 oz	10	\$176.12	\$1,761.20
Silver - America The Beautiful Coin - 2015 ATB Saratoga - 5.0 oz	20	\$135.00	\$2,700.00
Silver - Canadian Maple Leaf Coin .9999 - 1.0 oz	100	\$18.97	\$1,897.00
		TOTAL	\$194,103.20

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April 17th, 2018 INVOICE #[SR41718JF]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Canadian Maple Leaf Coin .9999 - 1.0 oz	50	\$18.20	\$910.00
Silver - Buffalo Round - 1.0 oz	50	\$17.06	\$853.00
Gold - American Eagle 4 Piece Proof Set - 1.85 oz	1	\$2,540.85	\$2,540.85
Gold - 2018 Polar Bear Coin .9999 - 0.1 oz	348	\$289.45	\$100,728.60
Gold - American Eagle 4 Piece Proof Set - 1.85 oz	1	\$2,540.85	\$2,540.85
Silver - America The Beautiful Coin - ATB Saratoga - 5.0 oz	5	\$135.00	\$675.00
Silver - 2018 Polar Bear Coin .9999 - 0.5 oz	1,499	\$25.82	\$38,704.18
Platinum - American Eagle Proof Coin - 1.0 oz	3	\$1,150.00	\$3,450.00

Total:

\$150,402.48

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TMTE_CA_00060

September 14th, 2018 INVOICE #[SR91418JF]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Buffalo Round .999 - 1.0 oz	132	\$14.57	\$1,923.24
Silver - Bar - 10.0 oz			
5.115.1 54.1 16.6 62	12	\$157.68	\$1,892.16
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	1,410	\$24.75	\$34,897.50
		TOTAL	\$38,712.90

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Confidential TMTE_CA_00348

EXHIBIT H

From:

Friday, May 01, 2020 3:14 PM

To:

Subject: Fw: Self Directed IRA and Metals.com -

Attachments:

Delaware Depository.pdf

---- Forwarded Message -----

From: Matthew Joel <mjoel@metals.com>

To:

Sent: Friday, March 8, 2019, 10:27:50 AM PST Subject: Self Directed IRA and Metals.com

Here is the custodian we recommend:

https://www.ndtco.com/investment-opportunities

A self directed IRA trust account allows all IRS approved investment options. IRA metals are stored in a depository; the most popular is the Delaware Depository (see attachment).

Metals.com will cover all account transfer/rollover fees, set up fees and three years of account fees (including metals storage fees).

See below for who we are and what our customers say about us:

Click here for our website: Metals.com

Click here for our customer reviews: Metals.com Customer Reviews

Best,

Matthew Joel VP, Client Services

Office: (424) 313-1319 Fax: (424)-532-4170





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EXHIBIT I

From: Sent:

Friday, May 01, 2020 3:15 PM

To:

Subject: Fw: New Direction Transfer Form - Metals.com -

Attachments:

Transfer Rollover Form -

ndf

This is the paperwork I was asked to sign by Mimi Fremont who processed the paperwork.

---- Forwarded Message ----

From: Mimi Fremont <mfremont@metals.com>

To:

Sent: Tuesday, April 2, 2019, 12:36:08 PM PDT

Subject: New Direction Transfer Form

Hello

As per our phone call I am sending you the New Direction Transfer Form. Please print and sign on the third page under Section 7, where I put the arrow.

Let me know if you have any questions.

Warm regards,

--

Mimi Fremont IRA Processing

Office: (424) 313-1052 Fax: (424)-532-4170





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Transfer/Rollover **Form**

New Direction Trust Company 1070 W. Century Drive Louisville, CO 80027 p: 303-546-7930 | f: 303-665-5962

1. YOUR INFOR	RMATION						
Your Name: New Direction Account Number:							
Social Security N	cial Security Number: Email Address:					Phone Nu	mber:
Legal Address:			Ci	ity:		State:	Zip:
2. WHERE ARE	THESE ASSETS CURR	ENTLY?			-		
Name of Custodi	management 1 - Academic rest. The company of the fill of the company of the fill of the company			Account N	umber:		
Office Address:			C	ity:		State:	Zip:
Contact Name:		Phone Numbe	er:	Fax Numbe	er: ✓ I ha		ppy of my statement
Transfer (Ch	ANSFER/ROLLOVER OPTIONS Transfer (Choose one listed below, and New Direction Trust Company will initiate the movement of assets.) Traditional IRA to Traditional IRA is SEP IRA to SEP IRA is SIMPLE IRA to SIMPLE IRA is SIMPLE IRA to SIMPLE IRA to HSA is Traditional IRA to Simple IRA. SEP IRA to Traditional IRA is SIMPLE IRA to SEP IRA. HSA to HSA is Inherited IRA to Inherited IRA (Subject to additional documentation and review) Rollover (To trigger a rollover, fill out this form for NDTCO and contact the existing custodian/trustee for their required rollover actions.) Standard Rollover (This is a return on an Eligible Distribution done within 60 days.) (This Rollover is the only Rollover that has been executed from any IRA that! have within the prior 12 months.) Direct Rollover: Rollover of OTHER IRA, Roth or other transferable account (This Rollover is the only Rollover that has been executed from any IRA that! have within the prior 12 months.)						
A. Cash/Money is brokerage accounts keep Please provid Entire A Partial is B. Brokerage Accounts and Entire accounts beep Please provided and Partial is account	Market Assets - from any type cash in a money market account only. is a detailed statement shoccount in Cash, close acaccount in Cash: \$	e of account. All position: New Direction Trust Com nowing assets are COUNT App tocks, mutual funds, etc	s must be liqui pany requires nd values. proximat	idated and available is business days for civite Cash: \$ _3	n either a cash or money m hecks to be available. Bank 2,071.37 Kerage assets be	narket account before sub wires and money orders	mitting this request. Note: some clear the next business day.
Symbol	Name	<u></u>		Fund#	Account #	# of Shares	Liquidate on Receipt
							□Yes □No
					<u> </u>		□Yes □No
							Yes No



١.

Transfer/Rollover Form

New Direction Trust Company 1070 W. Century Drive Louisville, CO 80027 p: 303-546-7930 | f: 303-665-5962

4. ASSETS TO BE MOVED	TO NDTCO CONT'D	
C. Alternative Assets (Real estate	r, notes, private equity, etc.)	
Complete Movement of	Cash and/or Assets	
Cash* - to New Direct	ion Trust Company FBO (My Name)	
In-kind assets to New	Direction Trust Company FBO (My Name) IRA.	
Move Partial Cash and/	or Asset	
Cash* - Send \$	in cash to New Direction Trust Company FBO (My Na	nme) IRA.
In-kind assets to New	Direction Trust Company FBO (My Name) IRA.	
Move the following assets in-k	ind (Please list every in-kind asset to be moved to NDTCO. If you do not have room, please	attach description with this form.) :
Asset Type	Name of Asset/Description	Current Recorded Value
1,000,17,60		
deposit. 5. HOW CASH IS TO BE SE	pany requires 5 business days for checks to clear. Bank wires ar	
	ent to New Direction Trust Company via: (check is the defaul	It if no ontion is marked)
	n 5 business days) Wire (available next business day)	it in to option is marked,
	lover Form to custodian currently holding these assets via:	
Mail		
Fax Number: 866-468-6	(You must ask your current custodian if they accept a faxed copy of the form	m. Please provide fax number.)
Express Mail via FedEx (\$3	80 Fee) (complete section below with check or credit card info	ormation)
Francisco de Deliverno (de la francis	a below is a confusion of the state of the s	adited delivery charges via
For FedEx fee choose on	on belowis to pay for FEDEX charges, not wire fees) I would like to pay my expe	edited delivery charges via:
Credit Card	Ξ.	
	(make checks payable to: New Direction Trust Company)	
Credit Card Type: (the following are		Discover
**	3-digit security code:	Expiration date:
Signature:		



Transfer/Rollover **Form**

New Direction Trust Company 1070 W. Century Drive Louisville, CO 80027 p: 303-546-7930 | f: 303-665-5962

6. LETTER OF AUTHORIZATION

To the delivering firm: I understand that by signing section 7 below, I am authorizing New Direction Trust Company "NDTCO" to instruct you to transfer/rollover the assets identified in Section 4 of this form to my New Direction Trust Company Account. I represent that I have opened a retirement plan with New Direction Trust Company as the successor Custodian for the account. I understand that upon receipt of these transfer/ rollover instructions, you will cancel all open orders in my account and will contact me regarding any account assets that are "not transferable." I understand that I am responsible for returning or destroying credit/debit cards and any unused checks issued in connection with my current securities account. I understand that to the extent that any assets in my account are not readily "transferable," with or without penalties, such assets may not be "transferred" within the time frames as set by FINRA Rule 11870, New York Stock Exchange Rule 412 or similar rule of the National Association of Securities Dealers or other designated examining authority.

l authorize you to liquidate any "nontransferable" proprietary money market fund assets in my account and move the credit balance to NDTCO. I authorize you to deduct any outstanding fees due from my credit balance; if the credit balance is insufficient to cover any outstanding fees, I authorize you to liquidate assets in my account to satisfy the obligation. I authorize you to deliver physical certificates or other instruments in my account in good deliverable form (including affixing any necessary tax waivers) to allow NDTCO to register them in street name for the purpose of sale when and as directed by me. I understand that any fractional shares of stock are "nontransferable" and will be liquidated; any liquidation of such shares may constitute a taxable event.

7. SIGNATURE AND ACKNOWLEDGEMENT

- I hereby agree to the terms and conditions set forth in this account asset transfer/rollover authorization and acknowledge having established a selfdirected IRA through execution of the account application.
- I understand the rules and conditions applicable to an account transfer/rollover.
- I understand that any of the investments in my account that I would like moved are the responsibility of my current Custodian, meaning they are responsible for handling any of the re-registration of my investments currently being held by them.
- I qualify for the account transfer/rollover of assets listed in the asset liquidation above and authorize such transactions.
- I understand that no one at New Direction Trust Company has authority to agree to anything different than my foregoing understandings of New Direction Trust Company policy.
- I understand that if this transfer is occurring during or after the calendar year during which I attain the age of 70%, the required minimum amount determined under this IRA is still required to be distributed.
- I further understand that the current Trustee/Custodian is not responsible for making this distribution prior to the movement of assets. I accept full responsibility for satisfying the required minimum distribution applicable to this IRA by withdrawing sufficient amounts from another IRA prior to the deadline for receiving minimum distributions for the calendar year of the movement of assets to New Direction Trust Company.
- If this movement of assets is a Transfer and leaves the "transferor" IRA in one year but does not reach the "transferee" IRA until the following year, I understand that this will be an "outstanding transfer" as of December 31st. The new IRA must "deem" that the "transfer" was received as of the prior December 31st for determining any required minimum distribution from the "transferee" IRA for the year that the "transfer" was received. I will inform the "transferee" IRA Trustee/Custodian of any such outstanding "transfer."

•	If this is a direct or indirect rollover 1)I understand the important tax consequences of this election 2)I assume full responsibility for this rollover 3)I will not hold the Custodian, New Direction Trust Company or issuer of either the distributing or receiving plan liable for any adverse consequences that may result and 4)I irrevocably designate this contribution of assets as a rollover contribution. Your Printed Name:	
+	Your Signature:	Signature Guarantee if required by Custodian
	Date:	
8.	ACCEPTANCE OF RECEIVING CUSTODIAN (office use only)	
nan asse or fi	v Direction Trust Company agrees to serve as Custodian for the account of the above- ned individual, and as Custodian, New Direction Trust Company agrees to accept the ets of the account being transferred. New Direction Trust Company assumes no trust duciary obligations to you as it has no investment control over your funds and acts y as the Custodian of your funds.	
Nev	v Direction Trust Company	
Bv	Date	

Signature Guarantee if required by Custodian

EXHIBIT J

April 9th, 2019 INVOICE #[KS4919AN]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

NDTCO As Custodian FBO Rect#

Purchase Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	854	\$25.36	\$21,657.44
10 oz Silver - Bar	10	\$160.00	\$1,600.00
1 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999	93	\$17.00	\$1,581.00
1/10 oz Gold - 2019 Royal Canadian Mint Polar Bear Coin .9999	23	\$302.42	\$6,955.66
	<u> </u>	TOTAL	\$31,794.10

TMTE_CA_00596

EXHIBIT K

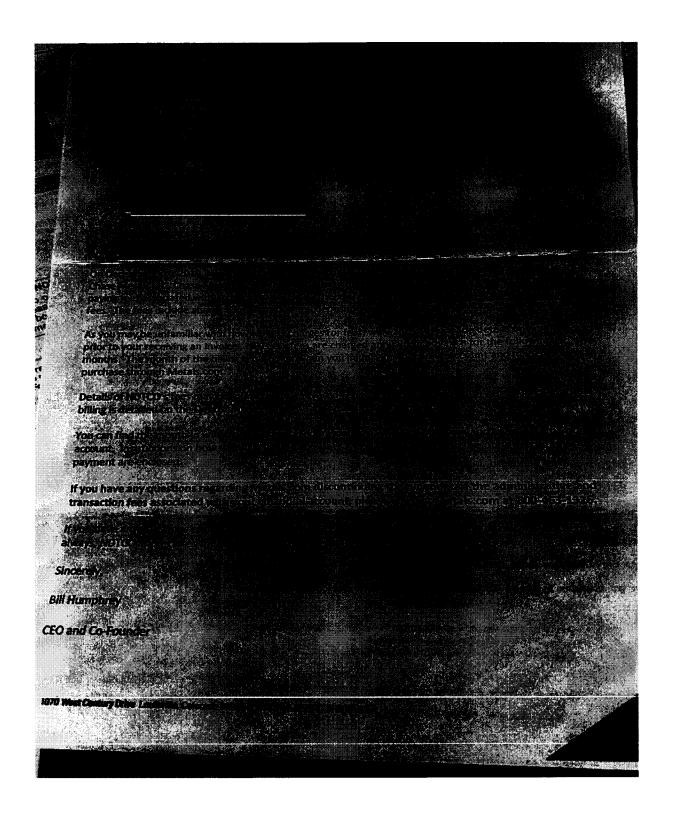


EXHIBIT L

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1.0 oz Silver - Buffalo Round .999		ā.	
	100	\$15.10	\$1,510.00
1.0 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999			
	100	\$16.35	\$1,635.00
5.0 oz Silver - America The Beautiful Coin - common			
	10	\$95.00	\$950.00
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999			
10000	8,830	\$23.78	\$209,977.40
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear Coin	100	\$267.68	\$26,768.00
.9999	100	φ207.00	Ψ20,700.00
Att a Call Code Divid Consider Miss Call Consider Code	96	\$663.19	\$63,666.24
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin .9999		·	
		TOTAL	\$304,506.64

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metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO
Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1.0 oz Silver - Buffalo Round .999			
	100	\$15.10	\$1,510.00
1.0 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999			
	100	\$16.35	\$1,635.00
5.0 oz Silver - America The Beautiful Coin - standard		****	4570.00
4/2 on Silver 2018 Payel Canadian Mint Palar Poor Cain	6	\$95.00	\$570.00
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	7,595	\$23.78	\$180,609.10
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999	100	\$268.00	\$26,800.00
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin .9999	60	\$663.90	\$39,834.00
		•	

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Confidential TMTE_CA_00254

metals.com
The #1 Name In Metals

TOTAL | \$250,958.10

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO
Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999	91	\$266.84	\$24,282.44
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	8,880	\$22.63	\$200,954.40
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin .9999	96	\$661.11	\$63,466.56
	98	\$14.85	\$1,455.30
1.0 oz Silver - Buffalo Round .999			
	100	\$16.05	\$1,605.00
1.0 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999			
	7	\$148.50	\$1,039.50
10.0 oz Silver - Bar			
		J	

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metals.com
The #1 Name In Metals

TOTAL \$292,803.20

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO
Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999	94	\$266.84	\$25,082.96
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	8,762	\$22.63	\$198,284.06
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin .9999	91	\$661.11	\$60,161.01
	100	\$14.85	\$1,485.00
1.0 oz Silver - Buffalo Round .999			
·	7	\$148.50	\$1,039.50
10.0 oz Silver - Bar			
	82	\$16.05	\$1,316.10
1.0 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999			
L		L	

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Confidential TMTE_CA_00252

metals.com
The #1 Name In Metals

TOTAL | \$287,368.63

EXHIBIT M

March 12th, 2018 INVOICE #[MB31218TT]

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - 2018 Polar Bear Coin .9999 - 0.5 oz	2,040	\$24.94	\$50,877.60
Gold - 2018 Gold Standard Coin - 0.25 oz	20	\$720.88	\$14,417.60
Silver - Bullion Bar - 10.0 oz	20	\$167.92	\$3,358.40
			, ,
		TOTAL	\$68,653.60

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Confidential TMTE_CA_00077

DECLARATION OF

- I, hereby declare and state the following:
- I am over eighteen years of age and competent to testify to the matters included in this declaration. I am making this declaration voluntarily and based upon my personal knowledge.
- 2. I hereby authorize the Commodity Futures Trading Commission and the States, and any of their representatives to use this declaration in any proceeding pertaining to the matters described herein.
- 3. In or around April of 2019, I was 73 years old and resided in Ventura, California. I received a phone call from Metals.com.
- 4. I spoke with Metals.com representative Randy Kohl (Kohl) who advised me that the stock market was due for an imminent, major crash, worse than the 2008 crash. Kohl advised me that I should sell the securities I had invested in the stock market to purchase precious metals. I was not interested at first, but Kohl kept calling.
- 5. Kohl informed me that Metals.com would pick the best distribution for growth and stability, with rock solid value and stability, and that I would earn money, not lose it.
- 6. Based on Kohl's representation, I allowed Metals.com to facilitate the sale of securities held in my retirement account and transfer the proceeds to a self-directed individual retirement account (SDIRA) to purchase precious metals.
- 7. It was my understanding the precious metals would be stored for me in a depository in Delaware.
- 8. I did not have experience investing in precious metals. I trusted Metals.com and its representatives to choose the precious metals that I purchased.

- Metals.com and its representatives did not tell me the amount that they paid for the metals that they purchased and resold to me.
- 10. I did not receive a written invoice showing which precious metals the company placed my investment in until after I invested, and even then, I had to ask for one.
- 11. I reviewed the statement from the SDIRA custodian after I invested. It showed that my investment was much less than my original investment. When I contacted Metals.com to ask why the value was so low, a representative assured me that the stated value was the melt value, but my investment was worth \$407,000, which was higher than my original investment of \$357,949.66.
- Metals.com subsequently stopped returning my calls and I could not sell my precious metals through Metals.com.
- 13. The SDIRA custodian stopped working with Metals.com. I contacted a different dealer who helped me sell the precious metals that Metals.com placed me in. I was only able to get approximately \$170,000, which is substantially less than my \$357,949.66 initial investment.
- 14. The inability to get a hold of Metals.com and get my original investment back impacted me greatly because I planned on giving the proceeds from the precious metals to my family as an inheritance.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the ?**day of September, 2020 at Vertura, California.

DECLARATION OF

- hereby declare and state the following:
- 1. I am over eighteen years of age and competent to make this declaration which is made upon my personal knowledge and is true and correct. I would testify to the same if called as a witness in Court.
- 2. In or around January of 2018, I was 68 years old and resided in Vallejo, California. I saw an advertisement for Metals.com and called the number.
- 3. I spoke with Metals.com representative Luke McCain (McCain). He warned of another stock market crash (like the 2008 crash) and pressured me to transfer my retirement savings right away because the longer I waited, the more I would lose.
- 4. McCain informed me that precious metals were the most safe and stable investment possible, the value of gold and silver goes up when the market goes down, gold was more stable than the stock market because the market is so volatile, and investing in gold and silver would protect my investment.
- 5. My retirement funds were in an annuity with an approximately \$27,500 early withdrawal penalty.
- 6. McCain saw from my annuity statements that I withdrew funds each month for fiving expenses and assured me that I would have access to my funds whenever I needed them if I purchased metals with Metals.com.
- 7. Based on McCain's representations, I allowed Metals.com to facilitate the process of selling my annuity for at least \$297,027 and transfer the proceeds into a self-directed individual retirement account. Metals.com and its representatives chose the precious metals that I purchased.
- 8. The insurance company waited at least 3 days before transferring the funds to my self-directed individual retirement account. McCain advised me that I would have made the approximately \$27,500 early withdrawal penalty back already if the insurance company had transferred the funds sooner.
- 9. It was my understanding that the precious metals would be stored for me in a depository in Delaware.
- 10. I did not have experience investing in precious metals. I trusted Metals.com and its representatives to choose the precious metals that I purchased.
- 11. Metals.com and its representatives did not tell me the amount that they paid for the precious metals.
- 12. I did not receive a written invoice showing which precious metals the company had chosen for me until after I invested.
- 13. Metals.com placed close to a majority of my investment in the $\frac{1}{2}$ oz. silver 2018 Royal Canadian Mint Polar Bear Coin .9999.
- 14. From December of 2019 through June of 2020, Anthony Bowers with Metals.com was hard to get a hold of, and told me that I could only cash a limited number of precious metals at a time, and I would have to wait to get more.
- 15. I am retired and on Social Security. From December of 2019 through June of 2020, I had to borrow money to pay for rent and basic living expenses because I was not able to sell metals each month in a timely manner. I suffered anxiety and apprehension not knowing when I would be able to access my funds.

13—1 declare under penalty of perjury that the foregoing is true and correct. Executed on the day of September, 2020 at <u>Vallyo</u>, California.

DECLARATION OF

- I, hereby declare and state the following:
- I am over eighteen years of age and competent to testify to the matters included in this declaration. I am making this declaration voluntarily and based upon my personal knowledge.
- 2. I hereby authorize the Commodity Futures Trading Commission and the States, and any of their representatives to use this declaration in any proceeding pertaining to the matters described herein.
- In or around January of 2018, I was 69 years old and resided in Placentia,
 California. I received a phone call from Metals.com.
- 4. I spoke with Metals.com representatives Sean Reagan (Reagan) and Joshua Ari Ferdman (Ferdman) who advised me that it is important to transfer my money from securities to precious metals.
 - 5. Reagan and Ferdman also touted precious metals' tax advantages.
- 6. Based on Reagan and Ferdman's representations, I allowed Metals.com to facilitate selling securities held in my and my husband's retirement accounts and transfer the proceeds to a self-directed individual retirement account to purchase precious metals.
- 7. It was my understanding that the precious metals would be stored for me in a depository in Delaware.
- 8. I did not have experience investing in metals. I trusted Metals.com and its representatives to choose the metals that I purchased, however I informed Reagan and/or Ferdman that I wanted to invest in more gold than silver.

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- 9. I did not have experience investing in metals. I trusted Metals.com and its representatives to choose the metals that I purchased, however I informed Reagan and/or Ferdman that I wanted to invest in more gold than silver.
- 10. Metals.com and its representatives did not tell me the amount that they paid for the precious metals that they purchased and resold to me.
- 11. Contrary to my instructions, Metals.com and its representatives placed a majority of my portfolio in silver instead of gold.
 - 12. I have been calling Metals.com but no one returns my calls.
- 13. I am devastated. My husband and son have medical conditions. Not having the funds from the sale of the coins impacts me greatly because we may not be able to afford medical care.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the first day of September, 2020 at half y, California.

DECLARATION OF INVESTIGATOR ERIC ROSEMAN

I, Eric Roseman, hereby make the following declaration based upon my personal knowledge:

1. BACKGROUND

- I am currently working as an Investigator for the Colorado Division of Securities (the "Division"). I have worked in this capacity since January 2019. I graduated from the University of Colorado in May 2012 with a Bachelor of Arts degree in International Affairs and Economics. I then graduated from the University of Colorado in May 2017 with a Juris Doctor. From 2017 through 2019, I was employed by the Division as a Securities Examiner.
- 2. My responsibilities as an investigator include investigation of registered and unregistered investment advisers and investment adviser representatives, broker/dealers and sales agents, and individuals and entities located throughout Colorado to ensure compliance with the Colorado Securities Act (the "Act"), the rules and regulations promulgated thereunder, and the Colorado Commodities Code. As part of my investigations, I interview witnesses; analyze documents including bank records, custodian records, and offering documents; and review communications, including emails.
- 3. Between May 2019 and May 2020, I interviewed Colorado Investors 1-15. During this same time frame, I received and reviewed documents from those investors, self-directed IRA ("SDIRA") companies and traditional custodians.
- 4. This declaration is based on my discussions with these investors, their documents, and documents provided by the SDIRA and traditional custodians, in response to a subpoena and document request letter, respectively.¹

The documents that I reviewed for the preparation of this Declaration are extremely voluminous and therefore not all are attached; most are summarized herein. All documents can be made available for review upon request. Personal identifying information on documents that are included, such as account numbers and social-security numbers, have been redacted in accordance with Federal Rule of Civil Procedure 5.2

- 5. On March 29, 2019, I interviewed Colorado Investor 1's son-in-law. The son-in-law stated:
 - a. He and his mother-in-law (Colorado Investor 1) contacted the SDIRA where Colorado Investor 1 moved their money in an attempt to get their money back. The SDIRA told them that it was simply the custodian, and that they should contact Metals.
 - They left a message with Metals and received a return call from a Metals sales
 representative who tried to sell Colorado Investor 1 and her son-in-law more Precious
 Metals Bullion.
 - c. Colorado Investor 1 received voicemails on her phone which stated: "Thank you for your support of Sean Hannity and Fox News."
 - 6. Colorado Investor 1 did not purchase any additional coins.

3. Colorado Investor 2

- 7. On May 2, 2019, I interviewed Colorado Investor 2. On May 10, 2019, they provided supplemental information. They stated they were cold-called by a Metals sales representative.
- 8. The Metals sales representative told Colorado Investor 2, in addition to sending articles via email, that it was a good time to buy gold and that the economy was going to crash. Exhibit A.
- 9. The Metals sales representative built Colorado Investor 2's trust by pretending to be Southern and a believer in the Second Amendment. This resonated with Colorado Investor 2 because they went to school in Texas and Louisiana.
 - 10. The Metals sales representative, to induce Colorado Investor 2's investment, stated:
 - a. That the dollar was losing value and that metals were the only safe place to invest;
 - b. That Metals was paying all of the precious metals depository's fees;

- c. That the Colorado Investor 2 had a right of rescission from two years of purchase. This right of rescission meant that they could sell their Precious Metals Bullion back to Metals for market price minus a 10% mark up. Colorado Investor 2 believed this meant that the maximum they could lose would be 10%;
- d. That Colorado Investor 2's custodian only had a small percent of actual shares and that the custodian did not have FDIC insurance;
- e. That precious metal had intrinsic value, in Colorado Investor 2's name, and that it could not lose value;
- f. That Metals' Precious Metals Bullion were the best on the market because they would allow Colorado Investor 2 to save on taxes; and
- g. That these coins Metals was selling were conservative, low risk and easily liquidated.
- 11. The Metals sales representative omitted:
 - a. Any risk related to purchasing precious metals;
 - b. Explaining the difference between the melt and market value of the coins; and
 - c. That he worked on commission.
- 12. The Metals sales representative provided Colorado Investor 2 instructions on how to set up an account at the SDIRA and transfer his funds from his custodian to the SDIRA. Colorado Investor 2 did not review the account that Metals sales representative set up.
 - 13. On October 9, 2018, Colorado Investor 2 purchased:
 - a. 250 ¼ oz Gold 2018 British Sovereign Mint Gold Standard Coin .9999 at \$652.55 per unit for a total of \$163,137.50; and
 - b. 2,500 ½ oz. Silver 2018 Royal Canadian Mint Polar Bear Coin .9999 at \$22.65 per unit for a total of \$56,625.00. Exhibit B.

- 14. Metals never sent Colorado Investor 2 a receipt or any documentation regarding his investment. Colorado Investor 2 called the SDIRA to review what the Metals sales agent had purchased on his behalf.
- 15. After reviewing the SDIRA's statement, Colorado Investor 2 believed that Metals charged him a 100% premium on his coins.
- 16. Colorado Investor 2 called Metals to complain, but they would not take his calls. After approximately one week, the Metals sales representative returned Colorado Investor 2's calls and stated that the Precious Metals Bullion were great because they were minted in London and would save approximately 30% in taxes.
- 17. Colorado Investor 2 told the Metals sales representative to sell the Precious Metals

 Bullion and put them into Gold Eagle coins. The Metals sales representative stated that Colorado

 Investor 2 had to wait for the coins to be transferred to a depository in Salt Lake City.
- 18. After this conversation, Colorado Investor 2 continued to complain and the Metals sales representative stopped returning his phone calls.
- 19. Colorado Investor 2 filed a complaint on a review platform, stating that Metals had charged him a 100% premium. On December 17, 2018, Metals responded to the review asking Colorado Investor 2 to "Please send us proof substantiating many of your baseless claims," and telling him that he should contact, "ATTORNEY at metals.com." Exhibit C.
- 20. This same day, Colorado Investor 2 received a call from a different Metals representative. The representative described the other Metals sales representative as a rogue agent. They stated that they could convert the Precious Metals Bullion into Gold Eagles, if Colorado Investor 2 removed the complaint. They stated he would get his money back. Colorado Investor 2 removed the complaint.

- 21. On January 4, 2019, this second Metals sales representative stated that Colorado
 Investor 2 should receive a call within 72 hours from Metals' legal department to receive the refund.

 After this call, Colorado Investor 2 did not receive his refund and the second Metals sales representative stopped calling Colorado Investor 2 back.
 - 22. On January 19, 2019, Colorado Investor 2 re-posted his complaint.
- 23. On January 21, 2019, Colorado Investor 2 received another response to his review. It stated, "this is notice you are being sued for breaking the law. You have violated 28 U.S. Code § 4101 and also malicious tortious interference with prospective economic advantage. This is notice you will be sued within 24 hours." Exhibit D.
- 24. An attorney representing Metals threatened to file a defamation suit against Colorado Investor 2 if they did not remove the complaint. They also stated that if Colorado Investor 2 did remove the complaint, then Metals would honor the rescission period that they told Colorado Investor 2 they had. Colorado Investor 2 again removed the complaint.
- 25. On January 29, 2019 Metals purchased back all of Colorado Investor 2 coins for \$186,792.50 or a loss to Colorado Investor 2 of \$32,970. Exhibit E.
- 26. On May 8, 2019, Colorado Investor 2 received a call from a third Metals representative, who stated that he was in-house counsel for Metals and wanted to reach a settlement with Colorado Investor 2. Colorado Investor 2 asked to be made whole. Colorado Investor 2 has not heard from anyone at Metals since this call.

27. On May 7, 2019, I interviewed Colorado Investor 3. They stated that they saw an online advertisement for Metals. Colorado Investor 3 emailed Metals inquiring about purchasing precious metals.

- 28. Colorado Investor 3 told the Metals sales representative that he wanted to be involved in the purchasing decisions. Colorado Investor 3 believed that the United States economy was going to face another financial crisis, similar to 2008. The Metals sales agent responded that Colorado Investor 3 should move into Precious Metals Bullion quickly because you never know when the market for precious metals will increase or when the financial crisis will collapse.
- 29. The Metals sales representative sent Colorado Investor 3 articles stating similar items to what was mentioned above. Exhibit F.
- 30. The Metals sales representative told Colorado Investor 3 that their custodian was not a safe place to hold their investments and sent articles stating that the custodian was losing money. The Metals sales agent continued that Colorado Investor 3's custodian was too risky and buying precious metals is a conservative investment which will do better than the stock market. *Id.*
- 31. The Metals sales representative told Colorado Investor 3 that Dodd-Frank allowed for a "bail-in." This meant that if there was another 2008-style financial crisis then the government could no longer use taxpayer money to bail out financial institutions, and instead would be forced to seize retirement accounts. The Metals sales representative sent articles to Colorado Investor 3 that the representative alleged proved that a "bail-in" could occur. *Id*.
- 32. The Metals sales representative stated that brokerage accounts do not have FDIC insurance and that Metals' Precious Metals Bullion are best because they are easily liquidated and only taxed at the value of the metal in the coin. *Id.*
- 33. The Metals sales representative said that any precious metals that Colorado Investor 3 bought, Metals would buy back, implying that a buyback was guaranteed.
- 34. The Metals sales representative told Colorado Investor 3 how they spent \$100,000 here and another \$100,000 there, implying that sales representative was very successful. Colorado Investor 3 was also impressed by the sales agent's knowledge.

- 35. The Metals sales representative stated that precious metals protect against inflation, the dollar losing value and that the Precious Metals Bullion were better than the stock market because the Precious Metals Bullion beat the market.
 - 36. No one at Metals stated that they worked on commission.
 - 37. Colorado Investor 3 purchased:
 - a. 197 ¼ oz Gold 2018 British Sovereign Mint Gold Standard Coin .9999 at a unit price of \$659.98 for a total of 130,016.06; and
 - b. 17 1/2 oz Silver 2018 Royal Canadian Mint Polar Bear Coin at a unit price of \$22.73 for a total of \$386.41. Exhibit G.
- 38. On May 10, 2019, I sent a document request letter to Colorado Investor 3's custodian under the Division's authority at § 11-51-409, C.R.S. This request asked for account statements from September 2018 through November 2018, recorded calls and all distribution reports. The custodian responded to the request May 16, 2019. On June 17, 2019, the custodian provided additional documents, including from a qualified retirement plan. These additional documents included a recorded phone call where a Metals sales representative tells Colorado Investor 3 and their custodian that they have a mutual client looking to roll-over their retirement account.
- 39. Colorado Investor 3 provided me emails which identify the person on the three-way call as a Metals sales representative.

40. On May 7, 2019, I interviewed Colorado Investor 4. They stated that they subscribed to Jim Rickards newsletters, which are produced by Agora Financial. They received a cold call from Metals. The Metals sales representative stated that they received Colorado Investor 4's name from Agora Financial.

- 41. Colorado Investor 4 immediately trusted the Metals sales representative because they referenced Agora Financial and because they had sent articles to Colorado Investor 4.
 - 42. The Metals sales representative told Colorado Investor 4 that:
 - a. Because Dodd-Frank restricted the government's ability to raise taxes to bail out financial institutions, they would be forced to do a "buy-in." Colorado Investor 4 believed this meant that the government would raid IRA Funds to bail out companies during the next financial crisis;
 - That brokerage houses are only an intermediary holder of stocks, meaning that if the brokerage company declares bankruptcy, it is an open question who actually owns the stocks;
 - That Metals' Precious Metals Bullion protects against inflation and devaluation of the dollar;
 - d. That the coins Metals sold were at a fair market value and that Metals would buy back the coins at the market price, no matter the price; and
 - e. That Precious Metals Bullion have better yields then non-metal assets.
- 43. Colorado Investor 4 invested \$952,937.04, which represents 100% of his retirement funds. Specifically, Metals' invoice states that on September 12, 2018, Colorado Investor 4 bought:
 - i. 1,750 Gold 2018 Royal Canadian Mint Polar Bear Coin .9999 1/10 oz at \$289.90 per coin for a total of \$507,325.00;
 - ii. 350 Silver America the Beautiful Coin Various 5.0 oz at \$87.62 per coin for a total of \$30,667;
 - iii. 6,500 Silver 2018 Royal Canadian Mint Polar Bear Coin .9999 ½ oz at \$24.02 per coin for a total of \$156,130.00;

- iv. 300 Gold 2018 British Sovereign Mint Gold Standard Coin .9999 -1/4 oz at \$692.60 per coin for a total of \$207,780; and
- v. 42 Gold Royal Canadian Mint Maple Leaf Coin .9999 1.0 oz at \$1,215.12 per coin for a total of \$51,035.04. Exhibit H.
- 44. On May 6, 2019 Colorado Investor 4 called Metals and asked to be cashed out. Colorado Investor 4 spoke with a second Metals sales representative who stated Metals needed 48 hours.
 - 45. On May 9, 2020, Colorado Investor 4 called me back. They stated:
 - a. They spoke to the first Metals sales representative again who stated gold had increased in value by 10%;
 - b. The Metals sales representative provided Colorado Investor 4 a buy-out quote and said that Metals would purchase Colorado Investor 4's Precious Metals Bullion at 5% above what he had purchased them himself.
 - c. The Metals sales representative explained that Metals would always guarantee a buyback of their coins at 5% under the market rate.
 - d. Colorado Investor 4 asked the Metals sales representative what the discrepancy between his SDIRA statement and his Metals statement was, and the Metals sales representative explained that this was the difference between melt and market price. The Metals sales representative sent Colorado Investor 4 an "official" buy-out quote. Exhibit I.
 - e. Colorado Investor 4 believed the Metals sales representative and thought his investment was safe.
 - f. Colorado Investor 4 was also scared of the market because he subscribed to newsletters stating that gold was increasing and the market decreasing, and because Colorado Investor 4 had previously lost 40% in the 2008 financial crisis.

46. On May 10, 2019, I sent a document request letter to Colorado Investor 4's custodian under the Division's authority at § 11-51-409, C.R.S. This request asked for account statements between August 2018 and November 2018, recorded calls and all distribution reports. The custodian responded to the request on May 13, 2019. The custodian produced a recorded call between the custodian, the Metals sales representative and Colorado Investor 4 where the Metals sales representative states that they have a "mutual client" on the line and that Colorado Investor 4 wants to liquidate the account.

6. Colorado Investor 5

- 47. On June 3, 2019, I interviewed Colorado Investor 5. They stated that they called Metals and spoke with a sales representative. Colorado Investor 5 had an annuity product and felt it was underperforming.
- 48. The Metals sales representative stated that silver and gold were ready to explode in value. She predicted the price of silver to rise from \$15 an ounce to approximately \$27 an ounce. The Metals sales representative stated that precious metals, like all investments, had a slight risk but that all of her indicators suggested that silver and gold would "go through the roof."
- 49. The Metals sales representative provided documentation to Colorado Investor 5 and told them where to sign. Although Colorado Investor 5 had the opportunity to read the documents, they relied on the Metals sales representative and just signed the documents.
- 50. Colorado Investor 5 also spoke with a second Metals sales representative who also stated that silver and gold was poised to increase dramatically in value.
- 51. Colorado Investor 5 made two purchases, the first on June 14, 2018. Colorado Investor 5 purchased:
 - i. 100 Silver Royal Canadian Mint Maple Leaf Coin .9999 1.0 oz at \$18.75 per coin for a total of \$1,875;

- ii. 3,907 Silver 2018 Royal Canadian Mint Polar Bear Coin .9999 ½ oz at \$26.25 per coin for a total of \$102,558.75; and
- iii. 10 Silver Bar 10.0 oz at \$188.43 for a total of \$1,884.20. Exhibit J.
- b. On July 5, 2018, they purchased:
 - i. 100 Silver- Royal Canadian Mint Maple Leaf Coin .9999 1.0 oz at \$18.35 for a total of \$1,835;
 - ii. 100 Silver Buffalo Round .999 1.0 oz for \$18.15 for a total of \$,1815, and
 - iii. 1,551 Silver 2018 Royal Canadian Mint Polar Bear Coin .9999 ½ oz for
 \$26.000 per coin at a price of \$40, 326.00. Id.
- 52. On June 4, 2019, I sent a document request letter to Colorado Investor 5's custodian under the Division's authority at § 11-51-409, C.R.S. This request asked for account statements between May 2018 and July 2018, recorded calls and all distribution reports. The custodian responded to the request on June 20, 2019.
- 53. The custodian produced recorded calls between Colorado Investor 5, the Metals sales representative and the custodian.
 - The Metals sales representative requested information on how to transfer Colorado Investor 5's account out of the custodian.
 - In this call, the Metals sales representative asked about Colorado Investor 5's
 performance, allegedly to ensure that it was not performing above expectations.
 - c. On another phone call, the Metals sales representative states, when asked what her business is, that she is with Chase Metals and works with a SDIRA. On this call, she asked about total amount left in the liquidated account.

7. The Division Order

- 54. On July 12, 2019, the Division entered into a Stipulation for Consent Cease and Desist Order (the "Order"). The Order had two main components:
 - That Metals and its sales agents would stop selling its Precious Metals Bullion by providing investment advice; and
 - b. That all Colorado residents who purchased Precious Metals Bullion through Metals and a SDIRA would be entitled to rescission, offered through a mailing done by Metals but approved by the Division.
- 55. At the time the Order was signed, the Division had identified 21 Colorado investors who had invested approximately \$2.9 million, eligible for the rescission offer.
- 56. On September 19, 2019, the Division heard from Colorado Investor 2 stating that although they accepted the rescission offer, they had not heard back from Metals.
- 57. On October 9, 2019, I reached out to Colorado Investors 2 and 3. Both had received the offer.
- 58. On October 10, 2019, I sent out an electronic questionnaire to known Metals investors, asking if they heard about the Order and if they knew about the rescission offer. At about this time, the Texas State Securities Board had stated that their victims were not receiving the rescission offer, were being told that they were not eligible for rescission, or were being talked out of accepting the rescission offer.
- 59. One Colorado investor stated they called Metals and was told by a Metals representative that there was a "data breach with an employee, and the company let him go." The investor rejected the offer because they believed it did not have anything to do with them. Exhibit K.

- 60. Other investors asked Metals sales agents about the Order and were told that it was a problem with Texas or that it was one problem employee or investors received the Order but it came in a large, irrelevant packet (including Colorado Investor 4).
- 61. On January 17, 2020, I received a questionnaire back Colorado Investor 8. They stated they spoke with a Metals sales representative, who stated that the price of precious metals was up and that if they accepted the rescission offer, they would lose all of those gains. *Id.*
- 62. On January 22, 2020, I received a questionnaire back from another Colorado investor who stated that they had called Metals and had trouble reaching a person there. They was already attempting to cash out their account when they received the rescission offer. They spoke with a Metals representative, who told them to reject the rescission offer and they would cash them out. Metals did pay them back. *Id.*

- 63. On December 12, 2019, I interviewed Colorado Investor 9. They stated that they first received a call from a precious metals sales representative at a different precious metals broker.

 Colorado Investor 9 purchases approximately \$550,000 from this metals broker.
- 64. Colorado Investor 9 and the precious metals sales representative stayed in contact after these transactions. Colorado Investor 9 learned that the metals sales representative had switched companies and was now working at Metals. Colorado Investor 9 became upset with his original metals broker and changed his SDIRA to the company Metals recommended.
- 65. The same precious metals sales representative who had sold Colorado Investor 9 previously stated that the previous coins he had sold Colorado Investor 9 were proprietary and that they should purchase coins through Metals. They continued that Metals' Precious Metals Bullion were more recognizable, easier to sell, and not proprietary. Colorado Investor 9 transferred the entirety of his

approximately \$550,000 account. He liquidated the previous purchase and, according to records at the new SDIRA purchased:

- i. 10,027 Silver 2018 Royal Canadian Mint Polar Bear Coin .9999 ½ oz at \$27.15
 per coin for a value of \$272,233.05. Exhibit L
- 66. Colorado Investor 9 questioned this low account value, believing that although his account might have had some losses, he should still have around \$463,665.12.
- 67. The precious metals sales representative explained that Colorado Investor 9's true value was \$463,655.20 but \$272,233 represented the melt value of the coins he purchased. The precious metals sales representative replied that the "Polar Bear Coins" were truly valued at \$46.24.
- 68. Colorado Investor 9 reached out to a local precious metals dealer and the dealer stated that the Polar Bear Coin had no market value except for the metal in the coin and that Colorado Investor 9 could only sell them back to Metals.
- 69. Colorado Investor 9 reached back out to the precious metals sales representative to have him sell his coins at the quoted price of \$463,655 or \$46.2416 per coin.
- 70. The precious metals sales representative told Colorado Investor 9 that he loved him and he would not steer him wrong. The precious metals broker did not hang up the receiver and Colorado Investor 9 could hear the precious metals sales representative sales representative laughing and asking his colleagues if he had heard him tell Colorado Investor 9 that he loved him. The precious metals sales representative stopped returning Colorado Investor 9's phone calls.
- 71. On November 12, 2018, Colorado Investor 9 received a call from "Lucas," who stated that he worked at the help desk. Lucas yelled at Colorado Investor 9 for 50 minutes, saying Colorado Investor 9:
 - a. Did not care for America;
 - b. Did not care what was happening at the Mexican border; and

- c. Was in breach of contract for not staying with Metals for 3-5 years.
- 72. On November 13, 2018, Colorado Investor 9 received the following text message from the precious metals sales representative:
 - a. "Hey [Colorado Investor 9]...I want to apologize to you about not being forthcoming about your IRA not being down with the price of Silver coming down over the last year. I screwed up. Silver was considerable higher when you first bought, and while the coins you had have gone up, they've also fallen recently with silver's drop. I wasn't clear about this. To make matters worse when [the first metals broker] bought the Gold you sold them they only paid you bullion pricing: you can check your invoices from them.

 This caused the value of your account to go down again. When you did the swap with us at Chase [Metals], we paid premium for the coins. I humbly apologize for not being more forthcoming with you. I'll let Lucas take over from here. Please forgive me."
- 73. On November 15, 2018, Colorado Investor 9 requested again to have his account liquidated.
- 74. On November 26, 2018, he received a call from a different Metals sales representative who stated:
 - a. Silver had decreased between 12 and 14%;
 - That Colorado Investor 9 purchased the Polar Bear Coins at \$27.15 (and not \$46.2416);
 and
 - c. That Metals cannot do two transactions within one year.
- 75. Colorado Investor 9 told this second Metals sales representative that they had hired counsel to represent them because they believed that Metals lied to them.

- 76. The Metals sales representative offered to buy Colorado Investor 9's Precious Metals

 Bullion back at 12% under the \$27.15 price, but that once Metals' litigation department got involved, he

 could not help. He also stated that the Metals legal department has lots of money so they always win.
 - 77. Colorado Investor 9 is set for arbitration with Metals in October 2020.

- 78. On December 12, 2019, I interviewed Colorado Investor 7. They stated that they saw an advertisement for Metals on their phone. The advertisement stated that if you had money in the bank, it might be taken by the government.
- 79. Colorado Investor 7 filled out information and received a call from a Metals sales representative. Colorado Investor 7 stated he trusted the Metals sales representative because they had similar political beliefs.
- 80. The Metals sales representative told Colorado Investor 7 that they should call his custodian, do a three-way call, and transfer his account immediately. The custodian stated that they had to wait a week.
- 81. After the Metals sales representative and Colorado Investor 7 completed the call, the Metals sales representative reviewed Colorado Investor 7's account and stated that waiting had cost them \$300.
 - 82. The Metals sales representative told Colorado Investor 7 that precious metals:
 - a. Were a sure thing;
 - b. Colorado Investor 7 would stop losing money if invested in precious metals; and
 - c. That the government is likely to start freezing traditional retirement accounts.
- 83. On November 2, 2018, Colorado Investor 7 transferred \$23,168.15 to a SDIRA. The Metals sales representative picked all of Colorado Investor 7's precious metals.
 - 84. Records at the SDIRA show that Colorado Investor 7 purchased:

- a. 60 1.0 oz Silver- Buffalo Round .999 coins at a price of \$16.12 per coin and a total of \$967.20;
- b. 35 1 oz Silver- Bar at a price of \$16.38 and a total of \$573.30;
- c. 830 ½ oz Silver 2018 Royal Canadian Mint Polar Bear Coin .9999 at a unit price of \$25.12 for a total of \$20,849.60; and
- d. 45 1.0 oz Silver Royal Canadian Mint Maple Leaf Coin .9999 at a price of \$17.29 per coin for a total of \$778.05. Exhibit M
- 85. The Metals sales agent told Colorado Investor 7 that he believed silver was better for Colorado Investor 7. The Metals sales agent stated that Metals' Precious Metals Bullion are highly sought-after coins.
- 86. On October 2, 2019, Colorado Investor 7 was able to sell the coins and close his account for \$21,285.91.

- 87. On January 7, 2020, I interviewed Colorado Investor 10. They stated that they learned of Metals from their child, who worked at Metals and worked with a senior sales representative.
- 88. Colorado Investor 10 transferred three accounts, two in his name and one in his wife's name, in approximately September 2018.
- 89. Colorado Investor 10's account, similar to the other Colorado investors, were all substantially placed into the Polar Bear coin. Exhibit N.
- 90. Approximately one year after investing, Colorado Investor 10 received a statement from the SDIRA he used. It stated that all three accounts, combined, had decreased by over \$60,000.
- 91. Colorado Investor 10 called Metals and spoke with a different Metals sales representative and attempted to sell his coins back. The Metals sales representative agreed to purchase \$10,000 worth of coins, which they did.

- 92. The Metals sales representative stopped picking up Colorado Investor 10's calls.

 Colorado Investor 10 asked their child to email the Metals sales representative, since they knew each other. The Metals sales representative agreed to purchase another \$5,000. Exhibit O.
- 93. The Metals sales representative told Colorado Investor 10 that Metals could not purchase any more precious metals because the Order had lapsed. Colorado Investor 10 told the Metals representative that they had never received the rescission offer. *Id.*
 - 94. In total, Colorado Investor 10 has only recovered \$25,000.

11. Colorado Investor 4 Post-Order

- 95. On March 3, 2020, Colorado Investor 4 reached out to me and explained some concerns that they had with Metals. They stated that they had received the rescission offer from Metals but it came in large packet regarding data privacy.
- 96. Metals had provided Colorado Investor 4 multiple invoices showing their account growing. Exhibit P.
- 97. Colorado Investor 4 rejected the rescission offer, believing that their account was secure and growing.
- 98. Colorado Investor 4 attempted to liquidate a portion of their position and sold what they believed to be \$75,000 worth of coins. Colorado Investor 4 received \$54,000 worth of coins from a depository in Utah. The next day, someone from the depository came to pick up the coins and Metals sent Colorado Investor 4 a check for \$54,000. A 1099 form from their SDIRA showed that they liquidated \$25,000.
- 99. In February 2020, Colorado Investor 4 attempted to liquidate their entire account to purchase an annuity and spoke with a different Metals sales representative.

- 100. The Metals sales representative informed Colorado Investor 4 that they would not purchase the coins at the invoice price, but Colorado Investor 4 could look at other Metals dealers to see what their purchase price for the coins would be.
- 101. Colorado Investor 4 contacted another precious metals broker, which told Colorado Investor 4 they could not hold the coins he had in an IRA and that he had overpaid for these coins.

12. Colorado Investor 11

- 102. I interviewed Colorado Investor 11 on May 7, 2020. They stated that on approximately, February 3, 2020, they were searching online for a precious metals dealer when they found Metals.
- 103. From the website, using cash, they purchased 110 1/10 ounce American Eagle Gold coins and paid \$18,407.41.
 - 104. After this purchase, they received numerous calls from Metals.
- 105. The Metals sales representative tried to sell Colorado Investor 11 more coins. The representative stated:
 - a. Precious metals are a great investment and very liquid;
 - That money would be worthless soon, Trump was moving back to the gold standard,
 and therefore gold would increase;
 - c. The economy was going to crash and stocks would be worthless; and
 - d. Inflation would be very high.
- 106. The Metals sales representative recommended that Colorado Investor 11 cash in their stock holdings and buy more gold.
- 107. Colorado Investor 11 stopped picking up Metals' calls when the Metals sales representative stated that they should invest through a SDIRA. The Metals sales agent stated that securities are worthless in an IRA.

13. Colorado Investor 12

- 108. On May 15, 2020, I interviewed Colorado Investor 12. Colorado Investor 12 stated that they had \$2 million invested in the stock market. In March 2018, they received a call from a Metals sales representative.
- 109. The Metals sales representative stated Colorado Investor 12 should sell their stock and buy Precious Metals Bullion because it would appreciate. The Metals sales representative stated that Precious Metals Bullion are a great investment, especially when there is inflation and that Colorado Investor 12 would lose their money in the stock market.
- 110. Colorado Investor 12 made two wires to Metals at the end of March 2018 to directly purchase Precious Metals Bullion. They purchased \$1 million and then did a second wire for \$500,000.
- 111. Colorado Investor 12 received possession of the Precious Metals Bullion, but no paperwork from Metals. The Metals sales representative told Colorado Investor 12 that they purchased:
 - a. 930 1/8- ounce Gold Polar Bear Coins;
 - b. 20 Gold Maple Leaf Coins;
 - c. 10 Gold Bars;
 - d. 507 Gold 2018 Standard Coins; and
 - e. 19,700 ½-ounce silver Polar Bear Coins.
- 112. In the first half of 2019, Colorado Investor 12 started trying to sell back their metals.

 They believe that they sold back approximately \$250,000. Colorado Investor 12 would sell back their Precious Metals Bullion in increments between \$20,000 and \$35,000.
 - 113. Metals refused to purchase any of the silver Polar Bear Coins.
- 114. As Colorado Investor 12 attempted to sell back their Precious Metals Bullion, they realized that they had not received all the Precious Metals Bullion that they had purchased. Colorado Investor 12 attempted to call the Metals sales representative who had sold them the Precious Metals

Bullion but they would either state that they needed to call Colorado Investor 12 back or simply refuse to take the call.

115. Colorado Investor 12 only received 960 1/8- ounce Gold Polar Bear coins, 20 Gold standard coins, 4 gold bars, and 19,700 ½-ounce silver Polar Bear Coins

14. Colorado Investors 13-15

- 116. Between May 7, 2020 and May 15, 2020, I interviewed Colorado Investors 13, 14, and 15.
- 117. All three invested after the Order and disclosed substantially similar sales pitches as those previously described. This includes:
 - a. That custodians do not own the stock that is held in retirement accounts;
 - b. That custodians are borrowing money and may have liquidity issues;
 - c. That they could cash in at anytime, with minimal or no transaction fees.
 - 118. None were told of the Division's Order.
 - 119. All had the majority of their funds placed into the Polar Bear Coin. Exhibit Q.
- 120. The documents attached as Exhibits A through Q are true and correct copies of documents I received.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 14th day of September, 2020.

Eric Roseman

WIN

Exhibit A

State,co.us Executive Branch Mail - Fwd: Articles For Reference



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: Articles For Reference

1 message

Wed, May 8, 2019 at 10:05 AM

To: eric.roseman@state.co.us, pfuselier@ssb.texas.gov

----Original Message----From: Deric Scott <dscott@metals.com>

Sent: Thu, Sep 27, 2018 9:14 am Subject: Articles For Reference

Central Banks Go On Gold Buying Spree Over Dollar Worries -FORBES

Drop in silver prices to 32-month lows prompts sellout of Silver Eagle coins at U.S. Mint

Ray Dalio Spells Out America's Worst Nightmare The hedge fund titan warns the U.S. not to take its reserve currency for granted.

Frmr, Treasury Secretary Rubin "Debt Bomb Will Explode"

JP Morgan's top quant warns next crisis to have flash crashes and social unrest not seen in 50 years

Brace for a lost decade for U.S. stocks, warn Morningstar strategists

Barry Bannister, head of institutional equity strategy at Stifel, issued caution on stocks is tied to Federal Reserve policy, specifically expectations for continued rate increases. In March, he warned that a policy mistake from the Fed could spark an "unusually fast" bear market, as well as a "lost decade" for stocks, or 10 years with no positive returns.

Vanguard: You'll make a lot less money in the stock market in the next 10 years—here's what you can do

https://www.bloombergquint.com/business/2018/09/19/cash-strapped-americans-are-leveraging-their-homes-to-pay-the-bills#gs.Reiasv8

"Another epic economic collapse is coming"- Oxford and Princeton Graduate, Pulitzer Prize winning Journalist George Will

CBS NEWS: Should the United States get rid of cash and create a national cryptocurrency?

State.co.us Executive Branch Mail - Fwd: Articles For Reference

US needs to get rid of cash according to the FDIC

Respectfully,

Deric Scott

Vice President Metals.com The #1 Name in Metals!

p: 424 285-6306 f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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State.co.us Executive Branch Mail - Fwd: New Reports



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: New Reports

1 message

Wed, May 8, 2019 at 10:09 AM

To: eric.roseman@state.co.us, pfuselier@ssb.texas.gov

—Original Message—

From: Deric Scott <dscott@metals.com>

Sent: Mon, Oct 1, 2018 10:52 am

Subject: New Reports

https://www.bloomberg.com/news/articles/2018-10-01/two-thirds-of-u-s-business-economists-see-recession-by-end-2020?cmpid=socialflow-twitter-business&utm_campaign=socialflow-organic&utm_medium=social&utm_content=business&utm_source=twitter

https://www.bloomberg.com/view/articles/2018-09-27/star-jpmorgan-analyst-starts-to-question-the-dollar

Respectfully,

Deric Scott

Vice President Metals.com The #1 Name in Metals!

p: 424 285-6306

f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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State.co.us Executive Branch Mail - Fwd: Per Our Conversation



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: Per Our Conversation

1 message

Wed, May 8, 2019 at 10:07 AM

To: eric.roseman@state.co.us, pfuselier@ssb.texas.gov

----Original Message----

From: Kyle Sanna <ksanna@metals.com>

Sent: Thu, Sep 27, 2018 9:46 am Subject: Per Our Conversation



It was nice speaking with you today and thank you for being a subscriber of Jim Rickard's and Agora Financial

Here is some information on our company and relevant articles on the economy:

Our company: Tower Equity- Metals.com
Metals.com

Videos:

FOX News: U.S. Debt Bomb

Articles:

The #1 Account All Wealthy People Have (That You Probably Don't)

JP Morgan: Top Quant Warns Next Crisis to Have Flash Crashes and Social Unrest

Stifel analyst: Stocks are in 'the danger zone'

Forbes: Central Banks Go on Gold Buying Spree

Regards, Kyle D. Sanna Senior Portfolio Manager Metals.com Beverly Hills, CA Office: (213) 545-0643

Office: (213) 545-0643 Fax: (424) 532-4170

State.co.us Executive Branch Mail - Fwd: Per Our Conversation

metals.com

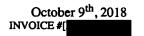
The #1 Name In Metals



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Self_Directed IRA Investing Guide .pdf 746K

Exhibit B



metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company

Purchase Invoice
Acct#

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS: Brinks SLC 2179 South 300 West, Suite #4, Salt Lake City, UT 84115

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin	ļ		
.9999	250	\$652.55	\$163,137.50
45 61 646 5			
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	2,500	\$22.65	\$56,625.00
	ı		
	i		
		TOTAL	\$219,762.50

RISK DISCLOSURE AND ACCOUNT AGREEMENT SIGNED AND UNDERSTOOD, Metals.com does not provide legal, tax, or investment advice. Nothing of the foregoing, or of any other written, electronic or oral statement or communication by Metals.com or its representatives, is intended to be, or may be relied as, legal, tax or investment advice, statements, opinions or predictions. Prior to making any investment decisions, please consult with the appropriate legal, tax, and investment professionals for advice.

Exhibit C

State.co.us Executive Branch Mail - Fwd: METALS.COM would like some information regarding your review



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: METALS.COM would like some information regarding your review

1 message

Wed, May 8, 2019 at 10:32 AM

To: eric.roseman@state.co.us, pfuselier@ssb.texas.gov

Original Message

From: Trustpilot <noreply.notifications@trustpilot.com>

Sent: Mon, Dec 17, 2018 5:13 pm Subject: METALS.COM would like some information regarding your review



Dear

METALS.COM just read your review, and they'd like to learn more about your experience. But first, they need help finding you in their customer database.

Here's a direct request from METALS.COM:

Please send us proof substantiating many of your baseless claims.

Contact,

ATTORNEY at metals.com

Would you like to send them the information they've requested? No pressure, you decide what to share.

Select information

Sincerely, The Trustpilot Team

State.co.us Executive Branch Mail - Fwd: METALS.COM would like some information regarding your review Trustpilot A/S

Pilestraede 58, 5th Floor, 1112 Copenhagen K Company no.: 30276582

Exhibit D

State.co.us Executive Branch Mail - Fwd: METALS.COM would like some information regarding your review



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: METALS.COM would like some information regarding your review

1 message

Wed, May 8, 2019 at 10:39 AM

To: eric.roseman@state.co.us, pfuselier@ssb.texas.gov

---Original Message----

From: Trustpilot <noreply.notifications@trustpilot.com>

Sent: Mon, Jan 21, 2019 8:24 am

Subject: METALS.COM would like some information regarding your review



METALS.COM just read your review, and they'd like to learn more about your experience. But first, they need help finding you in their customer database.

Here's a direct request from METALS.COM:

This is notice you are being sued for breaking the law. You have violated 28 U.S. Code § 4101 and also malicious tortious interference with prospective economic advantage.

This is notice you will be sued within 24hours.

Regards,

RABEH M. A. SOOFI | MANAGING ATTORNEY

 DIRECT PHONE:
 213,403,3218

 DIRECT FAX:
 213,403,0101

 EMAIL:
 rsoofi@axislc.com

LINKED IN: https://www.linkedin.com/in/rabehsoofi

AXIS

LEGAL COUNSEL

PROFESSIONAL CORPORATION

State.co.us Executive Branch Mail - Fwd: METALS.COM would like some information regarding your review

LOS ANGELES 5670 Wilshire Blvd. 18th Floor, Los Angeles, CA 90036 PHONE: (213) 403-0100 FAX: (213) 403-0101 EMAIL: info@axislc.com

Would you like to send them the information they've requested? No pressure, you decide what to share.

Select information

Sincerely, The Trustpilot Team

Trustpilot A/S

Pilestraede 58, 5th Floor, 1112 Copenhagen K Company no.: 30276582

Exhibit E

metals.com

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone 800-463-1326 Email: CORPORATE@metals.com Jan. 1st 2019
INVOICE #

New Direction Trust Company
LIQUIDATION INVOICE

BILLING ADDRESS:

New Direction Trust Company
Acct # Brinks SLC
2179 South 300 West, Suite #4
Salt Lake City, UT 84115

DELIVERY ADDRESS:
Delaware Depository Service Company
BME account #
3601 North Market Street
Wilmington, DE 19802

Comments or special instructions: ACCOUNT HAS SIGNED "DOI" AND DESIGNATED AUTHORIZATION WITH RECORDED CONFIRMATION FOR LIQUIDATION. INVOICE DUE IMMEDIATELY UPON DELIVERY.

DESCRIPTION	Quantity	Unit Price	AMOUNT
	•		
1/4 oz Gold – 2018 British Sovereign Mint Gold Standard Coin	250	\$554.67	\$138,667.5
.9999			
1/2 oz Silver – 2018 Royal Canadian Mint Polar Bear Coin .9999	2,500	\$19.25	\$48,125.0
			+
		TOTAL	\$186,792.50

RISK DISCLOSURE AND ACCOUNT AGREEMENT SIGNED AND UNDERSTOOD,

Exhibit F

5/10/2019

State.co.us Executive Branch Mail - Fwd: Agora Publishing



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: Agora Publishing

1 message

Fri, May 10, 2019 at 12:55 AM

To: eric.roseman@state.co.us

 Forwarded message ---From: Deric Scott <dscott@metals.com> Date: Wed, Dec 5, 2018 at 1:32 PM

Subject: Agora Publishing

http://theagora.com/our-ideas/

Deric Scott Vice President

Office: (424) 285-6306 Fax: (424)-532-4170

TRUSTPILOT ****

metals.com

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Best regards,

"Tell me an I forget, teach me and I may remember, involve me and I learn" Benjamin Franklin

Virus-free, www.avast.com

5/10/2019

State.co.us Executive Branch Mail - Fwd: Fed Chair Powell Hints He May Soon Crash The Market



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: Fed Chair Powell Hints He May Soon Crash The Market

1 message

Fri, May 10, 2019 at 1:10 AM

To: eric.roseman@state.co.us

------Forwarded message ------From: Deric Scott <dscott@metals.com>
Date: Thu, Oct 4, 2018 at 12:37 PM

Subject: Fed Chair Powell Hints He May Soon Crash The Market

https://www.zerohedge.com/news/2018-10-03/fed-chair-powell-hints-he-may-soon-crash-market

Respectfully,

Deric Scott

Vice President Metals.com The #1 Name in Metals!

p: 424 285-6306 f: 424 532-4170

w: Metals.com e: DScott@Metals.com

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Best regards,

Tell me an I forget, teach me and I may remember, involve me and I learn" Benjamin Franklin

5/10/2019

State.co.us Executive Branch Mail - Fwd: Regarding Bail-ins



Roseman - DORA, Eric <eric.roseman@state.co.us>

Fwd: Regarding Bail-ins

1 message

Fri, May 10, 2019 at 12:50 AM

To: eric.roseman@state.co.us

Best regards,

"Tell me an I forget, teach me and I may remember, involve me and I learn" Benjamin Franklin



Virus-free. www.avast.com

2 attachments

Bail In- Financial Regulation Journal (1).pdf 1129K

Fidelity FMR LLC Warning (2).pdf 3327K

Exhibit G

October 12th, 2018

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO
Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Brinks SLC 2179 South 300 West, Suite #4, Salt Lake City, UT 84115

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin			
.9999	197	\$659.98	\$130,016.06
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin	17	\$22.73	\$386.4 1
.9999	17	Ψ22.70	φοσο.+1
		TOTAL	\$130,402.47

Exhibit H

September 12th, 2018 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Purchase Invoice
New Direction
Acct#

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS: Brinks SLC 2179 South 300 West, Suite #4 Salt Lake City, UT 84115 BME

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999 -			
1/10 oz	1,750	\$289.90	\$507,325.00 <i>!</i>
Silver - America The Beautiful Coin - Various - 5.0 oz	350	\$87.62	\$30,667.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2			
oz .	6,500 ·	\$24.02	\$156,130.00
Gold - 2018 British Sovereign Mint Gold Standard Coin .9999 - 1/4 oz `	300 -	\$692.60	\$207,780 .00
	42 ·	\$1,215.12	\$51,035.04
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz			
		TOTAL	\$952,937.04

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Exhibit I

May 8th, 2019

metals.com

The #1 Name In Metals

433 N. Camden Dr., Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Comments or special instructions: OFFICIAL PURCHASE PRICE/ASK PRICE

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear coin .9999	1,750	\$311.35	\$544,862.50
1/4 oz. Gold - 2018 British Standard coin .9999	300	\$743.85	\$223,155.00
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear coin .9999	6500 FSV	\$25.17	\$163,605.00
5 oz Silver - American The Beautiful coln	350	\$91.56	\$32,046.00
1 oz Gold Royal Candadian Mint Maple Leaf coin .9999	42	\$1,310.28	\$55,031.76
		TOTAL	\$1,018,700.26

Exhibit J

June 14th, 2018

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	100	\$18.75	\$1,875.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2			
OZ	3,907	\$26.25	\$102,558.75
	10	\$188.43	\$1,884.30
Silver - Bar - 10.0 oz		ψ100.10	Ψ1,00 1.00
		TOTAL	\$106,318.05

July 5th, 2018 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Purchase Invoice
New Direction
Acct#

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS: Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	100 .	\$18.35	\$1,835.00
Silver - Buffalo Round .999 - 1.0 oz			
Gilver - Bullato Flouriu .999 - 1.0 02	100	\$18.15	\$1,815.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2	1,551	\$26.00	\$40,326.00
oz	1,001	V.20.00	V 10,020.00
		TOTAL	\$42,076,00
		TOTAL	\$43,976.00

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Exhibit K

Metals Questionnaire

We understand that you may have been advised to purchase an investment in gold or other precious metals from a company known as Metals.com, Chase Metals and TMTE, Inc. As you may know, various state regulators recently brought enforcement actions against this business. Earlier this year, our agency entered an enforcement action against Metals.com. As a result of our enforcement action, Metals.com committed to offer rescission to eligible Colorado investors. This commitment generally required Metals.com to afford eligible Colorado investors the opportunity to receive a return of the money paid for gold or precious metals. Coloradans would generally return their gold or precious metals to Metals.com in exchange for receiving a return of their funds.

1.	Did Metals.com offer you the opportunity to receive a return of the money you paid to purchase gold or precious metals?
Yes	
No	
2.	Did you accept the opportunity to receive a return of the money you paid to purchase gold or precious metals from Metals.com?
Yes	<u>-</u> -
No	
3. <i>I</i>	Can you please provide us with the reason you chose to accept or not accept the opportunity to receive a return of the money you paid to purchase gold or precious metals from Metals.com?
T	situation did not have anything to do withe me
or	my information. This situation will not affect
	or my information
4.	Did you speak about this opportunity with any representatives of Metals.com by telephone, or did you exchange emails with any representatives of Metals.com?
Yes	
No	

If so, please provide their names and a short summary of the conversations.

5.

To	mas Sulivan
I	asked bein about the letter concerning the enforce men
ue to	against Metals. com. He explained that here was
dota	asked been about the letter concerning the enforce men against Metals. com. He explained that here was breach with an employee, and the company let him go.
6.	Did Metals.com send a letter or other documents or contracts that explained the opportunity or the terms of the rescission?
Yes	
No	
7.	Are you aware that other state regulators have brought enforcement actions against Metals.com, and did Metals.com provide you with any information about these other state enforcement actions?
Yes	
No	
Other_	
8.	Is there anything else you would like to share with us? $\mathcal{N}_{\mathcal{O}}$

STATE OF COLORADO DIVISION OF SECURITIES

INVESTIGATIVE REPORT

CASE NAME: METALS.COM 2 CASE NO.: 4489E INVESTIGATOR: Eric Roseman DATE: 01/29/20

On January 17, 2020, this Investigator received a return of a mailed questionnaire from Questionnaire from the control of the

Metals Questionnaire

We understand that you may have been advised to purchase an investment in gold or other precious metals from a company known as Metals.com, Chase Metals and TMTE, Inc. As you may know, various state regulators recently brought enforcement actions against this business. Earlier this year, our agency entered an enforcement action against Metals.com. As a result of our enforcement action, Metals.com committed to offer rescission to eligible Colorado investors. This commitment generally required Metals.com to afford eligible Colorado investors the opportunity to receive a return of the money paid for gold or precious metals. Coloradans would generally return their gold or precious metals to Metals.com in exchange for receiving a return of their funds.

1.	Did Metals.com offer you the opportunity to receive a return of the money you paid to purchase gold or precious metals?
Yes	
No	
2.	Did you accept the opportunity to receive a return of the money you paid to purchase gold or precious metals from Metals.com?
Yes	
No	
3.	Can you please provide us with the reason you chose to accept or not accept the opportunity to receive a return of the money you paid to purchase gold or precious metals from Metals.com?
.0.	Was already attempting to cash out mix
iO	cotract.
4.	Did you good about this area to the
4 .	Did you speak about this opportunity with any representatives of Metals.com by telephone, or did you exchange emails with any representatives of Metals.com?
Yes	<u></u>
No	
-	

5.	it so, please provide their names and a short summary of the conversations.
Cor	or O'Reilly-recipion lotter emailed So al
6. Yes No	Did Metals.com send a letter or other documents or contracts that explained the opportunity or the terms of the rescission?
7. Yes No Other	Are you aware that other state regulators have brought enforcement actions against Metals.com, and did Metals.com provide you with any information about these other state enforcement actions?
8. 1)()	Is there anything else you would like to share with us? Sot my money - finally of uso a Solomer of mantes sunt truity to speak a real person.

Metals Questionnaire

We understand that you may have been advised to purchase an investment in gold or other precious metals from a company known as Metals.com, Chase Metals and TMTE, Inc. As you may know, various state regulators recently brought enforcement actions against this business. Earlier this year, our agency entered an enforcement action against Metals.com. As a result of our enforcement action, Metals.com committed to offer rescission to eligible Colorado investors. This commitment generally required Metals.com to afford eligible Colorado investors the opportunity to receive a return of the money paid for gold or precious metals. Coloradans would generally return their gold or precious metals to Metals.com in exchange for receiving a return of their funds.

1.	Did Metals.com offer you the opportunity to receive a return of the money you paid to purchase gold or precious metals?
Yes	X
No	
2.	Did you accept the opportunity to receive a return of the money you paid to purchase gold or precious metals from Metals.com?
Yes	
No	
7. L	Can you please provide us with the reason you chose to accept or not accept the opportunity to receive a return of the money you paid to purchase gold or precious metals from Metals.com? LICE OF METALS WAS UP AND MY UNDERSTANDIMO (AS I BUOULD ONLY GET BACK WHAT T PAID FOR THE METALS
4. Yes	Did you speak about this opportunity with any representatives of Metals.com by telephone, or did you exchange emails with any representatives of Metals.com?
No_	

5.	If so, please provide their names and a short summary of the conversations.
	I DO NOT RELALL THE NAME OR THE
	I DO NOT RELALL THE NAME OF THE
•	
6. Vac	Did Metals.com send a letter or other documents or contracts that explained the opportunity or the terms of the rescission?
No_	
7.	Are you aware that other state regulators have brought enforcement actions against Metals.com, and did Metals.com provide you with any information about these other state enforcement actions?
Yes No_	<u> </u>
Oth	er
8.	Is there anything else you would like to share with us?
	No

Exhibit L

September 25th, 2018 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New	Direction	Trust	Com	pany

Purchase Invoice Acct#

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS: Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	10,027	\$27.15	\$272,233.05
		TOTAL	\$272,233.05

RISK DISCLOBURE AND ACCOUNT AGREEMENT SIGNED AND UNDERSTOOD, Measls.com does not provide legal, tox, or investment advice. Nothing of the foregoing, or of any other written, a locaronic or oral statement or communication by Metals.com or its representatives, is intended to be, or may be relied as, legal, tax or investment advice, statements, opinions or predictions. Prior to making any investment decisions, please control with the appropriate legal, tax, and investment advice, statements, opinions or predictions. Prior to making any investment decisions, please control with the appropriate legal, tax, and investment professionals for advice.

Exhibit M

November 2nd, 2018 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

New Direction Trust Company
FBO
Purchase Invoice
Acct#

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

DESCRIPTION	Quantity	Unit Price	AMOUNT
1.0 oz Silver - Buffalo Round .999	60	\$16.12	\$967.20
1.0 oz Silver - Bar	35	\$16.38	\$573.30
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	830	\$25.12	\$20,849.60
1.0 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999	45	\$17.29	\$778.05
		TOTAL	\$23,168.15

Exhibit N

September 20th, 2018 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Buffalo Round .999 - 1.0 oz	25	\$14.80	\$370.00
Silver - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	25	\$16.00	\$400.00
Silver - America The Beautiful Coin - Common - 5.0 oz	5	\$96.00	\$480.00
Silver - Bar - 10.0 oz	2	\$148.00	\$296.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	720	\$17.25	\$12,420.00
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	2	\$1,242.20	\$2,484.40

Continued on next page

September 21st, 2018 INVOICE #

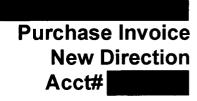
metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Buffalo Round .999 - 1.0 oz	50	\$14.80	\$740.00
Silver - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	50	\$16.00	\$800.00
Silver - America The Beautiful Coin - Common - 5.0 oz	10	\$96.00	\$960.00
Silver - Bar - 10.0 oz	5	\$148.00	\$740.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	1,429	\$17.25	\$24,650.25
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	4	\$1,242.20	\$4,968.80

Continued on next page

September 20th, 2018 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, DE 19802

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Silver - Buffalo Round .999 - 1.0 oz	100	\$14.80	\$1,480.00
Silver - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	100	\$16.00	\$1,600.00
Silver - America The Beautiful Coin - Common - 5.0 oz	20	\$96.00	\$1,920.00
Silver - Bar - 10.0 oz	10	\$148.00	\$1,480.00
Silver - American Eagle - 1.0 oz	100	\$16.81	\$1,681.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	2,425	\$17.25	\$41,831.25

Continued on next page

Exhibit O

Subject: Re: All IN: ANTHONY BOWERS Metals Redurchase 10: anthony.bowers@metals.com.corporate@metals.com
Cc: eric.roseman@state.co.us,
Date Sent: Tuesday, March 24, 2020 1:40:18 PM GMT-06:00
Date Received: Tuesday, March 24, 2020 1:40:24 PM GMT-06:00
time allows assumed to the control of the control o
To Anthony Bowers;
to Anthony Bowers;
Anthony,
You never bought back the Polar Bear coins that you said you would last week. I have tried repeatedly to call you and left messages.
As I have previously stated I wish to sell back the Polar Bear coins that you said Metals.com would buy back from me which you have not followed through on buying back.
not tolking packet on paying block.
Presently we have 3,154. Silver Polar Bear .5oz coins in mine & my wife's IRA and would like to finalize the buy back of these coins by
Metals.com.
Your prompt attention to this matter is needed
Thank you

Subject: Re-	ATTN: ANTHONY	BOWERS Metals	Repurchase

To: anthony.bowers@metals.com.corporate@metals.com Cc: eric.roseman@state.co.us Date Sent: Thursday, March 19, 2020 10:58:12 AM GMT-06:00 Date Received: Thursday, March 19, 2020 10:58:17 AM GMT-06:00

Anthony, I never received a call from you to buy back my Polar Bear coins as you said you would last week. I have tried repeatedly to call you and left messages but you have not return my calls.

As I stated previously I wish to sell back the Polar Bear coins that I purchased Metals.com.

Your prompt attention to this matter is needed.

10: anthony.bowers@imetals.com.corporate@imetals.com Cc: eric.roseman@state.co.us, Date Sent: Thursday, February 27, 2020 10:35:52 AM GMT-07:00 Date Received: Thursday, February 27, 2020 10:35:58 AM GMT-07:00
Anthony,
I have tried repeatedly to call you and left messages but you have not return my calls. I have never received any letter or correspondence from you or anyone else at Metals.com offering to buy back my coins.
As I stated previously I wish to sell back the coins that I purchased metals.com.
Your prompt attention to this matter is needed.
Thank you
On Jan 10, 2020, at 2:38 PM, wrote:
Anthony.
Thank you for your assistance with gatting \$5,000 of the metals in my account sold yesterday.
While on the phone on Tuesday you mentioned that I should have received a offer (via melt) in August from your company, Metals.com offering to purchase back my metals for what I pad for them. I never needwad any such correspondence, Your statement that "Decisies I did not respond to this inquity your company, Metals.com is under no obligation to buy back any more gold or silver from me" at disconcarting since. I believe your company has an agreement with the State of Colorado to buy back my metals for what I paid for them, and since I never received any offer from you I believe you are indeed still obligated to buy back my metals for what I paid for them, and since I never received any offer from you I believe you are indeed still obligated to buy back my metals.
Since I have been reaching out to you have assisted me in selling only \$15,000 of the metals in my account, which is approximately 10% of my account total, at this rate it will take two years to liquidate the account which is way too long. As I've mentioned to you previously I would like to have a ratum of the entire balance of money paid to purchase precious metals from Metals.com as acon as possible.
Your prompt attention to getting the rest of my metals acid will be appreciated.
Thank You.

Subject: Re: ATTN: ANTHONY BOWERS Metals Repurchase

10: anthony.bowers@metals.com.corporate@metals.com Cc: eric.roseman@state.co.us, Date Sent: Friday, January 10, 2020 2:38:49 PM GMT-07:00 Date Received: Friday, January 10, 2020 2:38:54 PM GMT-07:00

Anthony

Thank you for your assistance with getting \$5,000 of the metals in my account sold yesterday.

While on the phone on Tuesday you mentioned that I should have received a offer (via mail) in August from your company, Metals.com offering to purchase back my metals for what I paid for them, <u>I navier reserved any such correspondence</u>. Your statement that "because I did not respond to this injurity your company, Metals.com is under no obligation to buy back any more got of water from me's id disconcerting since I believe your company has an agreement with the State of Colorado to buy back my metals for what I paid for them, and since I never received any offer from you I believe you are nedeed still obligated to buy back my metals for what I paid for them, and since I never received any offer from you I believe you are nedeed still obligated to buy back my metals.

Since I have been reaching out to you have assisted me in selfing only \$15,000 of the metals in my account, which is approximately 10% of my account total, at this rate it will take two years to injudes the account which is way too long. As the mentioned to you previously I would like to thew a return of the entire belance of money paid to purchase precious metals from Metals.com as soon as possible.

Your prompt attention to getting the rest of my metals sold will be appreciated.

Subject: Re: ATTN: ANTHONY BOWERS Metals Repurchase
10: anthony.bowers@metals.com
Cc: eric.roseman@state.co.us, , corporate@metals.com
Date Sent: Friday, January 10, 2020 2:36:54 PM GMT-07:00
Date Received: Friday, January 10, 2020 2:36:58 PM GMT-07:00
THE RESIDENCE OF THE PROPERTY
Anthony,
Thank you for your assistance with getting \$5,000 of the metals in my account sold yesterday.
While on the phose on Tuesday you mentioned that I should have received a offer (via mail) in August from your company. Metals, com offering to purchase back my metals for what I paid for them. <u>I never received any such correspondence</u> . Your statement that Decause I did not respond to this incluty your company. Metals come is under no obligation to buy back any more gold belief from me is disconcerting since I believe your company has an agreement with the State of Colorado to buy back my metals for what I paid for them, and since I never received any offer from you I believe you are indeed still obligated to buy back my metals.
Since I have been reaching out to you have assisted me in selfing only \$15,000 of the metals in my account, which is approximately 10% of my account total, at this rate it will take two years to liquidate the account which is way too long. As the mentioned to you previously I would like to have a return of the entire balance of money paid to purchase precious metals from Metals.com as soon as possible.
Your prompt attention to getting the rest of my metals sold will be appreciated.
Thank You.

Subject: Re: ATTN: ANTHONY BOWERS Metals Repurchase

Date Sent: Wednesday, January 8, 2020 10:27:07 AM GMT-07:00

Date Received: Wednesday, January 8, 2020 10:27:13 AM GMT-07:00

Sent from my iPhone

Hello Anthony,

I am writing on behalf of my father Michael Prentiss (CGed) who purchased precious metals from Metals.com. He would like to have a return of the entire balance of money he paid to purchase precious metals from Metals.com as soon as possible.

Despite repeated attempts to reach you by phone include several voicemails, my father has been unable to reach you to complete this rescission.

Please contact my father at your earliest convenience. His number is 720-737-7811.

Thank you,

Tim Prentise

Exhibit P

October 4th, 2018

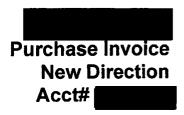
metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS: Brinks SLC

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear Coin			
.9999	1,750	\$289.90	\$507,325.00
5.0 oz Silver - America The Beautiful Coin - Various	350	\$87.62	\$30,667.00
	350	\$67.02	400,007.00
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999	6,500	\$24.02	\$156,130.00
	200	#602.60	\$207,780.00
1/4 oz Gold - 2018 British Sovereign Mint Gold Standard Coin .9999	300	\$692.60	\$207,750.00
.5555	42	\$1,215.12	\$51,035.04
1,0 oz Gold - Royal Canadian Mint Maple Leaf Coin .9999			
		TOTAL	\$952,937.04

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September 12th, 2018 INVOICE #

metals.com

The #1 Name In Metals

493 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM



BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999 -			
1/10 oz	1,750	\$289.90	\$507,325.00
Silver - America The Beautiful Coin - Various - 5.0 oz	350	\$87.62	\$30,667.00
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	6,500	\$24.02	\$156,130.00
Gold - 2018 British Sovereign Mint Gold Standard Coin .9999 - 1/4 oz	300	\$692.60	\$207,780.00
	42	\$1,215.12	\$51,035.04
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz			
			_
		TOTAL	\$952,937.04

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June 24th, 2019

metals.com

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone 800-463-1326 Email: CORPORATE METALS.COM



BILLING ADDRESS: Metals.com 433 N Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT	%
Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/10 oz	1,750	\$342.37	\$599,322.50	
Silver - America The Beautiful Coln - Various - 5.0 oz	350	\$95.51	\$33,428.50	
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	6,500	\$26.18	\$170,170.00	
Gold - 2018 British Sovereign Mint Gold Standard Coin .9999 - 1/4 oz	300	\$817.96	\$245,388.00	
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz	42	\$1,435.06	\$60,272.52	
	<u> </u>	TOTAL	\$1,108,581.52	+ 16.3 %

RISK DISCLOSURE AND ACCOUNT AGREEMENT SIGNED AND UNDERSTOOD, March non provide legal, tax, or investment advice. Mathing of the foregoing, or of any other written, decensic or and statement or communication by Messit cann or its representative, is intended to be, or may be relied as, legal, tax or investment advice, statements, apinions or predictions. Frint to making any investment decisions, please control with the appropriate legal, tax, and investment predictionsh for advice.

May 8th, 2019

metals.com

The #1 Name In Metals

433 N. Camden Dr. Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Comments or special instructions: OFFICIAL PURCHASE PRICE/ASK PRICE

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/10 oz Gold - 2018 Royal Canadian Mint Polar Bear coin .9999	1,750	\$311.35	\$544,862.50
1/4 oz. Gold - 2018 British Standard coin .9999	300	\$743.85	\$223,155.00
1/2 oz Silver - 2018 Royal Canadian Mint Polar Bear coin .9999	6500 FFD	\$25.17	\$163,605.00
5 oz Silver - American The Beautiful coin	350	\$91.56	\$32,046.00
1 oz Gold Royal Candadian Mint Maple Leaf coin .9999	42	\$1,310.28	\$55,031.76
		TOTAL	\$1,018,700.26

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Ask Price/Purchase Price
New Direction
Acct#

BILLING ADDRESS: Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**Brinks SLC

Comments or special instructions:

DESCRIPTION	Quantity	Unit Price	AMOUNT
Gold - 2018 Royal Canadian Mint Polar Bear Coin .9999 -			
1/10 oz	1,750	\$315.99	\$552,982.50
Silver - America The Beautiful Coin - Various - 5.0 oz	350	\$99.17	\$34,709.50
Silver - 2018 Royal Canadian Mint Polar Bear Coin .9999 - 1/2 oz	3,615	\$25.05	\$90,555.75
Gold - 2018 British Sovereign Mint Gold Standard Coin .9999 - 1/4 oz	300	\$757.01	\$227,103
	42	\$1,467.34	\$61,628.28
Gold - Royal Canadian Mint Maple Leaf Coin .9999 - 1.0 oz			
		TOTAL	\$966,979.03

RISK DISCLOSURE AND ACCOUNT AGREEMENT SIGNED AND UNDERSTOOD, Metals.com does not provide legal, tax, or investment advice. Nothing of the foregoing, or of my other written, electronic or oral statement or communication by Metals.com or its representatives, is intended to be, or may be relied as, legal, tax or investment advice, statements, opinions or predictions. Prior to making my investment decisions, please consult with the appropriate legal, tax, and investment professionals for advice.

Exhibit Q

January 8th, 2020 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Directed Trust Company As Custodian FBO

IRA

Acct#

Purchase Invoice

BILLING ADDRESS:
Metals.com

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

DESCRIPTION	Quantity	Unit Price	AMOUNT
· · ·	"		
10 oz Silver - Bar	27	\$182.00	\$4,914.00
1 oz Silver - Round .999			
i uz Silvei - Nouliu .999	266	\$18.75	\$4,987.50
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	3,664	\$26.50	\$97,096.00
		TOTAL	\$106,997.50

November 5th, 2019 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Directed Trust Company As Custodian FBO

IRA

Acct#

Purchase Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

DESCRIPTION	Quantity	Unit Price	AMOUNT
10 oz Silver - Bar	19	\$184.60	\$3,507.40
1 oz Silver - Round .999			
1 02 Sliver - Houlid .999	188	\$18.56	\$3,489.28
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	2,689	\$26.10	\$70,182.90
		TOTAL	\$77,179.58

September 12th, 2019 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Directed Trust Company As Custodian FBO

IRA

Acct#

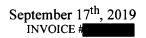
Purchase Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

DESCRIPTION	Quantity	Unit Price	AMOUNT
10 oz Silver - Bar	27	\$184.30	\$4,976.10
1 oz Silver - Round .999			
1 02 Silver - Hound .555	162	\$18.43	\$2,985.66
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	2,932	\$26.10	\$76,525.20
		TOTAL	\$84,486.96



metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Directed Trust Company As Custodian FBO



Purchase Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

DESCRIPTION	Quantity	Unit Price	AMOUNT
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	239	\$24.44	\$5,841.16
1/10 oz Gold - 2019 Royal Canadian Mint Polar Bear Coin .9999	10	\$315.27	\$3,152.70
1/4 oz Gold - 2019 British Standard Coin .9999	4	\$750.65	\$3,002.60
1 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999	40	\$19.79	\$791.60
		TOTAL	\$12,788.06

October 15th, 2019 INVOICE #

metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Directed Trust Company As Custodian FBO



Purchase Invoice

BILLING ADDRESS:

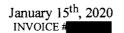
Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

DELIVERY ADDRESS:

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802

DESCRIPTION	Quantity	Unit Price	AMOUNT
4/2 on Cilium 2010 Devel Consider Mint Poles Boss Coin			
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	348	\$26.69	\$9,288.12
1/10 oz Gold - 2019 Royal Canadian Mint Polar Bear Coin	21	\$344.36	\$7,231.56
.9999			
10 oz Silver - Bar	14	\$180.00	\$2,520.00
10 02 Gilver - Bai			
		TOTAL	\$19,039.68

DocuSign Envelope ID: 26DB2452-3496-42AD-951D-FD7C43B17A49



metals.com

The #1 Name In Metals

433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210

Phone: 800-463-1326

Email: CORPORATE@METALS.COM

Directed Trust Company As Custodian FBO Acct#

Liquidation Invoice

BILLING ADDRESS:

Metals.com 433 N. Camden Dr, Suite 970 BEVERLY HILLS, CA 90210 **DELIVERY ADDRESS:**

Delaware Depository Services Co. 3601 North Market Street Wilmington, Delaware 19802 BME#

DESCRIPTION	Quantity	Unit Price	AMOUNT
			•
10 oz Silver - Bar	14	\$180.00	\$2,520.00
1 oz Silver - Royal Canadian Mint Maple Leaf Coin .9999	:		
	40	\$18.00	\$720.00
1/2 oz Silver - 2019 Royal Canadian Mint Polar Bear Coin .9999	75	\$23.48	\$1,761.00
TOTAL			\$5,001.00

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No.

DAVID S. CHEVAL, Acting Securities Commissioner for the State of Colorado;

Plaintiff,

٧.

TMTE, INC., d/b/a METALS.COM; LUCAS THOMAS ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER a/k/a LUKE McCAIN, and SIMON BATASHVILI;

Defendants.

AFFIDAVIT OF

the Affiant, state that:

- I am currently 70 years of age and am currently living in Windsor,
 Colorado.
- 2. In September 2018, received a cold call from Deric Scott (Scott) at Metals.com (a/k/a Chase Metals; a/k/a Metals.com) ("Metals").
- 3. Scott sent ms numerous articles stating that the sconomy was going to collapse and it was a good time to purchase precious metals.
 - 4. Scott bonded with me over my Southern roots and political beliefs.
- 5. Scott prepared electronic documents to liquidate my assets at Charles Schwab and transfer the cash to a self-directed IRA company, New Direction Trust Company ("NDTC") to purchase precious metals.
 - 6. Scott never told me what coins I had purchased.

- I trusted Scott and relied on his expertise when transferring my account to Metals.
- 3. Scott told me that Metals would buy back anything I purchased at 10%. under the market value for two years. I thought that this meant that the most I could lose would be 10%. Scott called this my right of rescission. After the two-year period, Scott told me that Metals would buy back the metal at the market price.
 - 9. Scott never clarified how the market price would be calculated.
- 10. Scott also told me that Charles Schwab only owned a small percent of actual shares of stock and did not have FDIC insurance. Scott said that I would be buying physical gold, which had intrinsic value.
- 11. Scott told me that Metals's coins would help me save on taxes, they were conservative and low risk, and easy to sell.
- 12. On approximately October 9, 2018, I moved \$219,762.50 from Charles Schwab to NDTC in order to purchase precious metals.
 - 13. I received no confirmation from Metals regarding my purchase.
 - 14. I called NDTC and received a purchase order from Metals.
- 15. After I reviewed the purchase order, I realized that Metals charged me over double the melt price of the coins.
- 16. I called Scott to complain. It took me about a week to reach him, as he did not return my calls. Scott told me these coins were great because they were minted in London and would save me approximately 30% in taxes. I told Scott to get me out of these coins and put me into Gold Eagle coins. Scott told me that I had to wait for the

coins to be transferred to Brinks in Salt Lake City. I did not hear from Scott after that conversation.

- 17. I continued to complain and Scott stopped returning my phone calls.
- 18. I filed a complaint online on their review aggregator Trust Pilot, explaining how Metals charged me a 100% premium on the price of their coins. After I filed this complaint, I received a call from Anthony Bowers ("Bowers") of Metals on December 17, 2018. He offered to convert the coins hald at Brinks into Gold Eagles.
 - 19. Bowers stated that Scott was a rogue agent.
- 20. Bowers told me that I would get my money back if I removed my complaint, which I did. I heard from Bowers shortly after Christmas, and he said that the holiday slowed the process down and that he was sending everything to Metals's lagal department to process the refund.
- 21. On approximately January 4, 2019, Bowers told me that I should expect a call from Metals' legal department within 72 hours to complete the refund. I called Bowers back on January 11, 2019 because I never received that call. Bowers then stopped communicating with me. I posted my complaint back online on January 19, 2019.
- 22. An attorney from Axis Legal Counsel, LLC, who told me his last name was Weintraub, threatened to file a defamation suit against me on behalf of Metals if I did not remove the complaint. Weintraub, on behalf of Metals, also agreed to buy back my coins at a 10% markup, if I removed the review.

- 23. I removed the complaint and reviewed the Trust Pilot website. I saw that Metals had a 100% positive rating.
 - 24. On January 29, 2019, I received \$186,792.50 from Metals.
- 25. In the summer of 2019, I learned that Metals signed an agreement with the Colorado Division of Securities and agreed to a cease and desist order and to refund investors' money. I told Metals I wanted the full refund of my investment. I complied with the requirements and never received anything from Metals
- 26. I relied on Scott to make the investment in metals, on his word that investments were not safe at Schwab, and that I could own metals with a maximum loss of 10%.
- 27. Neither Metals nor Scott ever told me that they would charge me a 100% premium on my purchase.
 - 28. Nobody ever told me that Metale sales agents worked on commission.
- 29. I declare under penalty of perjury that the foregoing is true and correct.

 Executed on Mark 2 2020 in Windows. Colorado.

Further Affiant saysth not.

	The foreg	oing Affidavit of	Service wa	s subscribed	and sworn t	o before	me
his_	2 2	day of March	2020 by				
				Keli	antata		

(SEAL)

KELLI ANTISTA NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20154010048 COMMISSION EXPIRES 08/10/2028

My Commission Expires: 03-10-2223

NOTARY PUBLIC

AFFIDAVIT OF

the Affiant, state that:

- 1. I am 62 years old and I am currently living in Castle Rock, Colorado.
- I received multiple cold-calls from Deric Scott ("Scott") and Anthony
 Bowers ("Bowers")
- 3. I usually do not accept unsolicited calls; however, Bowers mentioned that he was working with clients of Jim Rickards and Agora Financial. This immediately caught my attention because I regularly read these publications.
- 4. I spoke with Metals a dozen times, two or three with Scott and the remainder with Bowers.
- 5. They sent me numerous articles regarding the economy. These articles and the mention of the publications I read immediately built my trust in these sales representatives.
- 6. Scott continued that because of Dodd-Frank, the government would be unable to raise taxes to bail out financial institutions. This meant that if there was another financial crises, the government would have to do a "buy-in," which meant that the government would nationalize 401(K)'s.
- 7. I was receptive to Scott and Bowers because I was reading newsletters indicating bullish positions on metals when I received the cold call. I decided to invest with Metals because I trusted the representatives, and I was concerned about the "buy-in" and the economy.

- 8. Scott told me that all of the Metals' coins were sold at fair market value.
- 9. Scott also told me that Metals guaranteed that they would buy back all the coins at a minimum of 95% of my purchase price.
- 10. Although Scott did explain that the coins have a spread, he also stated that they have better yields then non-metal assets.
 - 11. Scott never told me of any risks related to precious metals.
- 12. Scott never told me that Metals would charge over 100% of the melt price of some coins, or over 200% of melt price for other coins.
- 13. Scott pushed me to make the transfer during business hours, so that we could do it together while the custodian was open. Scott provided a verbal list of what they intended to purchase and Scott and I called my custodian. Scott told me that the entire transaction had to be accomplished on the same day, while I was distracted at work.
 - 14. Metals chose what I would be purchasing.
- 15. I opened my account at New Direction Trust Company (NDTC) to purchase precious metals through Metals in September of 2018.
- 16. On September 12, 2018, I invested \$952,937.04 in Metals. This is 100% of my retirement savings.
- 17. I never received any statements from Metals, but did receive statements from NDTC showing my account value at approximately half that amount.
 - 18. On May 6, 2019, I called Metals and asked them to buy back some coins.

- 19. Bowers stated that he needed forty-eight hours to see if he could purchase my precious metals.
- 20. On May 9, 2019, I called Scott who told me that gold had increased by 10%.
- 21. Scott also provided me a buy-out quote, which was above market value.

 Scott said that there would always only be a 5% transaction fee.
- 22. On this call, I confronted Scott regarding the statement I received from NDTC, which showed a value far less than the amount I had invested with Metals.
- 23. Scott explained that the difference was between the melt price and the market price.
 - 24. I trusted Scott and he left me reassured that I was in a safe position.
- 25. In approximately August 2019, I received a rescission offer from Metals, which was included in approximately % of an inch of other papers.
 - 26. I rejected this offer.
- 27. Sometime in middle 2019, I attempted to test the waters and liquidate \$75,000 from my account. I did this both to test Metals claims regarding the tax implications of the coin and because I needed the money.
- 28. Metals agreed, and the depository out of Utah sent me coins via Brinks delivery. A Brinks agent came and picked up the coins the next day and Metals sent me a check for \$54,000. I then received a 1099 from NDTC showing \$25,000.
 - 29. This transaction took ten days.

- 30. I realized the premium on the coin was 100%, but I still trusted and believed the Metals representative in that this was simply the difference between melt value and market value.
- 31. In February 2020, I attempted to liquidate \$525,000 of my portfolio to move it into an annuity.
- 32. Anthony stated that Metals could not do this, but I was free to look at other precious metals brokers.
- 33. I then reached out to a local precious metals dealer, McAlvany Financial Group: ICA, Vaulted who stated that my coins were significantly overvalued at Metals. They additionally stated:
 - a. These are not the type of coins for an IRA because they may not be approved by the IRS.
 - b. There are enormous spreads over spot price with the coins I purchased and usually IRA's have low margin coins that are liquid.
 - 34. I believe that my account is currently valued at approximately \$530,000.
- 35. Other than the \$54,000 worth of coins, I have not received any payments from Metals.
- 36. I lost the last ten years of appreciation in my IRA account as a result of this transaction. I'm 62 years old and the lost value will significantly negatively impact my retirement options.

37. I declare under	penalty of perjury that the foregoing is true and correct
Executed on $\frac{3/14/20}{}$	in Castle Rock, Colorado
Further Affiant sayet	h not.
مقعرين	it of Service was subscribed and sworn to before me
(SEAL)	NOTARY PUBLIC
ROBERT LUCKEL NOTARY PUBLIC - STATE OF COLORAE NOTARY ID 20184044725	My Commission Expires: 11/19/2022

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No.

DAVID S. CHEVAL, Acting Securities Commissioner for the State of Colorado;

Plaintiff,

٧.

TMTE, INC., d/b/a METALS.COM; LUCAS THOMAS ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER a/k/a LUKE McCAIN, and SIMON BATASHVILI;

Defendants.

AFFIDAVIT OF

- I, the Affiant, state that:
- I am 67 and I am currently living in Colorado Springs, Colorado.
- 2. I saw an advertisement for Metals.com ("Metals") while scrolling through my phone.
- 3. The advertisement stated that if you had money in a bank that it might be taken by the government.
- 4. After clicking the advertisement, I filled out a form for more information.

 Shortly thereafter, I received a call from Anthony Bowers ("Bowers").
 - 5. Bowers told me that stocks are going to fall fast.
- 6. Bowers suggested that we call my brokerage house and do a three way call. The broker would not tell me anything about my traditional IRA. Bowers stated that the market was dropping fast and I was losing money by waiting. The broker stated that they could make an appointment for a week later.

- 7. Eventually, Bowers and I were able to get information from my IRA.

 Bowers reviewed it and stated that I had already lost \$300 in a short time frame.

 Bowers stated that if I were invested in precious metals, that I would stop losing money.
 - 8. Bowers stated that precious metals was a sure thing.
- 9. Bowers also stated that the government is likely to start freezing traditional retirement accounts.
- On November 2, 2018, I transferred \$23,168.15 to New Direction Trust
 Company so that I could purchase precious metals through Metals.
- 11. Bowers chose all of the coins that I bought. I believed Bowers would take care of me, despite not having a lot of money, because we shared political beliefs.
- 12. Bowers informed me that he felt the best thing for me was silver. I did not understand why, but Bowers stated that the coins he was purchasing for me always have value, and I believed that I could always sell these coins to the highest bidder.
 - 13. Bowers said the coins that he placed me in are highly sought after coins.
- Bowers never explained the difference between melt value and the market value.
- 15. Neither Bowers, nor anybody at Metals, explained anything related to the spread.
- 16. Neither Bowers nor anybody at Metals explained that they would charge me 241% of the melt price of silver.

- 17. I needed some money and decided to liquidate a portion of my account. I kept calling Bowers, who avoided my phone calls or telling me that I needed to fill out additional paperwork before I could sell any of the metals in my account.
- 18. On October 2, 2019, I was able to close my account, and received \$21,285.91.
- 19. I decided to close my account, as opposed to liquidating a portion, because Metals and Bowers were so unresponsive.
- 20. After my experience with Bowers, I spoke with a representative from New Direction Trust Company. She stated that she had problems with Bowers in the past. She described Bowers as a "know it all" but that he doesn't know much of anything.
- 21. I declare under penalty of perjury that the foregoing is true and correct. Executed on 2-26-20 in Colorado Springs, Colorado

Further Affiant sayeth not.

(SEAL)

My Commission Expires: 11/13/2022

BRETT MICHAEL ARAGON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20104032367
MY COMMISSION EXPIRES NOVEMBER 13, 2022

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No.

DAVID S. CHEVAL, Acting Securities Commissioner for the State of Colorado;

Plaintiff,

v.

TMTE, INC., d/b/a METALS.COM; LUCAS THOMAS ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER a/k/a LUKE McCAIN, and SIMON BATASHVILI;

Defendants.

AFFIDAVIT OF

- I, the Affiant, state that:
- 1. I am currently 74 years of age and am currently living in Austin, Colorado.
- 2. I first invested in precious metals and coins through Hartford Gold, and a sales associate there, Jonathon Sachs ("Sachs"), in early 2017.
- On January 25, 2017, with Sachs's assistance, I invested \$499,998.92 through a self-directed IRA with Strata Trust Company to purchase various gold and silver from Hartford Gold. On March 27, 2017, I invested \$50,000.40 again through Strata Trust Company.
- 4. Sometime after my investment with Hartford Gold, around summer or fall 2017, I received a call from Sachs, who stated that he had left Hartford Gold and started working for a new company, Metals.com (a/k/a Chase Metals; a/k/a Metals.com) ("Metals"). Sachs offered his help with any future investments I wanted to make with

Hartford Gold and wanted to continue advising me, offering a second opinion, even though he was now with Metals. Sachs continued to call me on a regular basis.

- 5. When Hartford Gold did not return my phone calls and failed to adequately update my information, per the recommendation of Jonathan Sachs, I started moving my investment to a different self-directed IRA company, New Direction Trust Company ("NDTC") and to deal with Metals. Sachs first brought up switching companies and advised me to move my investment to NDTC. I had not asked him to do so because I did not know whether he was still under an agreement not to recruit Hartford Gold clients. This was approximately September 7, 2018.
- 6. During the transferring of my Hartford metals to NDTC from Strata Trust Company (STC), Sachs recommended that I switch out of Hartford Gold's coins because these were proprietary coins and that Metals products were more recognizable in the market, easier to sell, and not proprietary.
- 7. On September 25, 2018, I received an invoice showing Sachs and Metals placed me in 10,027 ½ oz. silver 2018 Royal Canadian Mint Polar Bear Coins ("Polar Bear Coin"), with a unit price of \$27.15, and that my account was now valued at \$272,233.05. Exhibit A.
- 8. I called Sachs on October 8, 2018, and questioned Sachs about this low account value. I received a statement from STC showing an In Kind Rollover and Transfer, from STC to NDTC, of \$463,665.12. Exhibit B.
- 9. Sachs explained that the \$272,233.05 was the melt value for the Polar Bear Coin, but that the true value of the coins was actually \$463,665.12

- 10. On November 2, 2018, I emailed Sachs and asked again about the transfer. I stated that for the 10,027 Polar Bear Coin to be close to my rollover value of \$463,665.12 (Exhibit B), the coins must each be valued at \$46.2416, as opposed to the unit price shown of \$27.15. Sachs stated that the melt value increased from \$15 at the time of the transaction and therefore the value of the Polar Bear Coin may be higher than the transfer value. I then asked if it were the case that the coins were worth \$46.2416 each in "real value", but only \$27.15 in melt value. Sachs replied that I understood. Exhibit C.
- 11. At all times, I thought that the market value of my account was \$463,665.12 and that the melt value was \$272,240.41.
- 12. After I confirmed with Sachs that the melt value of my investment should be \$272,240.41 and that the market value was \$463,665.12, I reached out to a local precious metals dealer, The Hedge Company LLC, to get an outside opinion on what Sachs told me about the value of the coins. I spoke with a woman named Teresa, who stated that all the coins that Sachs and Metals sold me were proprietary, meaning that she could not buy them unless the coins exploded in popularity and that I could likely only sell them back to Metals.
- 13. On November 7, 2018, I reached out to Sachs and asked him to sell the coins for \$46.2416, the price that Sachs stated the coins were worth. Exhibit E. Sachs and I spoke on November 8, 2018 and we agreed to talk on November 9, 2018. He asked if I understood what was happening and I misspoke and said that I did. I then clarified, via email, on November 9, 2018 that I did not understand what Sachs intended to do.

- Exhibit E. I clarified that I thought the Polar Bear Coin was known throughout the precious metal industry.
- 14. When I spoke to Sachs on November 8, 2018, he told me that he loved me and would not steer me wrong. When he ended the call, he did not hang the phone receiver up properly and the call was still connected. I could hear him asking others in the background if they had heard what he said.
- 15. After this call, Sachs missed several appointments to speak with me. He would state that he was sick or that he was busy and swamped with clients because Maxine Waters was being named the head of the finance committee.
- 16. I also contacted Andrew Armstrong of U.S. Precious Metals in Texas to ask them about the Polar Bear Coin. Andrew Armstrong had me speak with a man named Adrian, who, after doing research, stated that Metals had ripped me off. Adrian said because the transaction occurred less than two months ago, I should be able to cancel the order.
- 17. On November 12, 2018, I received a call from someone at Metals named "Lucas." We spoke for over 50 minutes. He yelled at me, stating I am not a patriot, I do not care for America, or what is happening at the Mexican border. He continued that I was breaching my contract by not staying with Metals for three to five years. Lucas told me he was from the help desk.
- 18. On November 13, 2018, I received a text from Sachs that said: "Hey Dick...I want to apologize to you about not being forthcoming about your Ira not being down with the price of Silver coming down over the last year. I screwed up. Silver was

considerably higher when you first bought, and while the coins you had have gone up, they've also fallen recently with Silver's drop. I wasn't clear about this. To make matters worse when Hartford bought the Gold you sold them they only paid you bullion pricing: you can check your invoices from them. This caused the value of your account to go down again. When you did the swap with us at Chase [Metals], we paid premium for the coins. I humbly apologize for not being more forthcoming with you. I'll let Lucas take over from here. Please forgive me."

- On November 15, 2018, I forwarded my request to liquidate to Sachs,
 Metals's corporate email address and "Lucas."
- 20. On November 26, 2018, I received a call from someone at Metals named "Sam." Sam explained his job was to handle the liquidation of accounts. He again tried to convince me to stay with Metals. He informed me that silver had decreased between 12% and 14%. He told me I bought the Polar Bear Coins at \$27.15 and he did not know that my account should have had a market value of \$463,648.48. I told him that the \$27.15 should be the melt value of my account. Sam then stated that they cannot, legally, do a second transaction within one year. I told Sam that I had obtained private counsel after Lucas failed to get back to me after the November 12, 2018 phone call and November 15, 2018 email. I told Sam that Metals had lied to me.
- 21. On November 29, 2018, Sam called me again. I told him that I wanted full disclosure between Sachs and Metals, all documentation between Royal Canadian mint and Metals, all documentation between Hartford Gold and Metals, and all documentation between NDTC and Metals.

22. On the November 29 call, Sam stated that he could buy back the Polar Bear Coin at 12% under the melt price of \$27.15. Sam told me that he cannot help me once it gets to the legal department and that they have lots of money so they always

win.

23. I am currently set for arbitration with Metals starting on April 21 through

April 24, 2020.

24. I would have not purchased the Polar Bear Coin if I had known that there

was no market for them and the only people who could buy them back were Metals.

25. Nobody told me that Metals sales agents worked on commission or that

they could charge a markup of 275.76% on the melt price of silver.

26. The documents attached as Exhibits A through E are true and correct

copies of documents I provided to the Colorado Division of Securities.

27. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 52, 200 in Austin, Colorado.

Further Affiant sayeth not.

The foregoing Affidavit of Service was subscribed and sworn to before me this 20th day of March, 2019 by

POSINA BROCTOR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20114092854
MY COMMISSION EXPIRES 03-09-2020

NOTARY PUBLIC

My Commission Expires: March of 2020

Exhibit A

Bemox

September 25th, 2018 2070203-098-051108-9

metals.com

400 M. Cumdon Dr., Suita 870 SENGERLY HELLS, CA 90010 Plantin COMPANIA COMPANIA COMPANIA Plantin COMPANIA COMPA



New Direction Trust Company PBO

Liquidation invoice

BILLING ACCORDANCE

Advantage Co., Codin 670

ACCORDANCE VALLE, CA. ROSCO

DELIQUET ACCOUNTS:
Deleumo Departing Survives Co.
8071 Month Student Street
Whitegrap, DE 1000E

Communité or special instructions:

Supplemental Control	Gundly	Unit: Priso	ANDUNT
Gold - Oyclatoon - 1/4 cm	80	\$300.00	#86,800.00
Silver - 2018 Connection Bulliolo - 1.25 cz	8,761	121.01	\$80,007.A1
Silver - Conseillen Gydalcon - 1 1/2 cz	6,184	\$25.75	\$150,200.06
Silver - Australian Kangarao - 1,0 oz	180	\$14,50	\$2,175.00
		TOTAL	E272.540.41



metals.com

The #1 Name in Metals

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New Direction Trust Company
FBC
Purchase invoice
Accid

MILLING ACCRESS: Melalisatit 488 M. Candon Dz, Ballo 870 amants y Halas, CA 90010 pal Jeany Addition Column Depoting Services Co. 1927 State Market Street 1927 State Market Street

Commercia or special instructions:

percurrien	Condity	Shift Poles	ANDER	
Silver - 2018 Playad Curnacian Mint Polar Steer Coln .9008 - 1/2. Cz	16,027	\$27.15	\$2772,2283.05	
		TOTAL	\$272,288.05	1

Exhibit B



NEW DIRECTION IRA mc.

1076 W Century Dr. Bulle 101 Laximille, CO 20027



ADHOC Statement
musy 1, 2018 - October 3, 2018

Traditional IRA Traditional IRA

Trucklonal IRA Account Newton

Insurant Statement Information

Frederal insures town (FII) have been without from the distributions you are monthly and you do not wish to have town withhold, notify NOPA, at the address above. If you also not to have withholding apply or you do not have enough FIT withhold from your distributions, you may be majorable for payment of authorised her. You may been paralles tooler to admented because if your withholding and admented her. payments are not entitled. If you should in the withhold FIT from your distributions but now wish to withhold FIT, notify HORA at 1970 W. Contary Diver State 101, Leptentin CO 80927.

ASSET NAME	AMETITE	WARRETVALLE (S
25 CZ. GOLD CANADIAN ANDOROED ANNAL (80 WIN)	Presidente Matella	34,894.09
1 CIZ BILLARY IONIGATION (SEE BERL) -	Prodom Mohio	2,250.60
1.36 CIZ. BICHER CANDIZIAN ABBORTED ANIMAL (\$.76)	Proclem Notale	86,978.74
LE OZ BEVER CANACIAN MAPLELENF OR ANDAL (8,164	Practicus Mistala	130,100.84

Page 1 af 4

STRATA July 1, 2018 - September 28, 2018 in about belowed he repetial to the hazard Florence Contro at the appropriate reporting time. Please nelly our effice in splicing and Bales. 80.60 street and Fee 280.00 80.80 in Kind Pathovan and Toproduce int Morroed are Court Account 30,00 **30.00 80.00** ura and Contributions (Contri 80,00 Transfers in (cost) . 100.00 Transfers and Joseph 90.00 Cook Assistant From Dallier Golf Cassadian Gyrlakon — 21 eq. 86/86/2018 **SE.00** 40.00 GNON4918 20.00 118,486.00 00/06/2018 Fron Dellyer Paralles Bushes 198,408.00 (Bush 9005/2018 es Free 30.00 m Marillato, 2018 -- 1,25 esc. 3,701.00 Stane £260.00 09/20/20/18 5347.27 is Received by Credit Card 880040016 90.00 Optimizari - .25 pz. NEW DIRROT THE MORN Mark & D Face Dallow 08/24/2018 20.00 Mar Mulliste, 2019 - 1.25 pc. 3761 M M MORA 08/34/2018 \$0.00 stalim Kenyercel kapet, Jey Year - 1 oz. IN TO MORNA 150 08/34/2018 30.m allen Gyrlaioen -- 1.5 az. LIM B 6184 Trincator in <u>18084.</u> Trincator in <u>18084.</u> Tring Basiness on \$62662918 \$0.00 Page 2 of 4

Exhibit C

EXHIBIT 'C'

Sent from Mail for Windows 10

Subject: Ne: INA

Thats Iti

On Fri, Nov 2, 2018 at 2:09 PM

Hi Jonathan, Sorry to bother you again.

I wanted to send this email to make sure I have captured the nuts and boits of the transfer from Strata to New Direction and our conversation this morning. And for you to address where I am in error with my mind set.

> wrote:

My final statement from Strate has a Rollover and Transfers of \$463,665.12 this included.

80 = . 25 ounce Gold Canadian Gyrfalcons 3,761 = 1.25 ounce Silver Canadian Buffalo 150 = 1 ounce Silver Australian Kangaroo/Nugget 6184 = 1.5 ounce Silver Canadian Gyrfalcon

The pricing on the invoice that New Direction sent me that was sent from your company to theirs has the following. When we made the deal you said you were only talking in melt values for the pricing you gave me so I would expect these values to be melt on the transaction date of September 25, 2018?

80 = . 25 ounce Gold Caradian Gyrfalcons @ \$360 x 80 = \$28,800.00 3,761 = 1.25 ounce Silver Canadian Buffelo @ \$21.81 x 3,761 = \$82,027.41 150 = 1 ounce Silver Australian Kangaroo/Nugget @ \$14.50 x 150 = \$2,175.00 6164 = 1.5 ounce Silver Caradian Gyrfalcon @ \$25.75 x 6164 = \$159,236.00 Total = \$272,240.41

You then purchased or exchanged what ever the term is, for 10,027 = .5 ounce 2018 Royal Canadian Mint Poler Bear Coins.

10. 027 = .5 ounce 2018 Royal Canadian Mint Polar Bear Coins for the same \$272,240.41 this equates to \$27.15 each.

You informed me the value of these 10,027 coins is the same as or close to the Nollover Trensfer amount of \$463,665.12. I asked if I were to sell these 10,027 coins today the value would be in this \$460,000 area and you answered yes that is correct but also worth a little more because the spot value is up to almost \$15,00. So with this knowledge can I be sure the coins are worth \$46.24 each in real value and only worth \$27.15 in melt value?

EXHIBIT C'

This is a point of confusion for me. I have 20,027 = .5 ounce coins with a today melt value of a little less than \$15.00. I have 5,013.5 ounces of silver with these coins which equates to \$75,202.50 using the \$15.00 as the melt value. This would appear to indicate the melt value has declined from \$27,15 to \$15.00 in just a few weeks that does not seem to hold true when going on various sites indicating the melt value from the transaction date to today so any help will be appreciated.

Thanks for your help in advence.

Exhibit D

EXHIBIT 'ט'

From: Jonatian Sachs com Sent: Friday, November 2, 2018 4:21:57 PM
To:
Subject: Re: IRA

Sounds good.

On Pri, Nov 2, 2018 at 2:35 PM Jonathan.

wrote:

Thank you. I am meeting with a lady who desis in precious metals next week and I want to be able to let her know where I am at. I am meeting with her to see If I take a RMD and have you sell enough coins to cover the RMD and I have extra coins that are over and above the mait value and I want/need to convert some of the coins to cash, like on the spur of the moment, just what the procedure is with her.

This information will help.

Have a good weakend.

Sent from Mali for Windows 10

Subject: Re: IRA

Thats iti

On Fri, Nov 2, 2018 at 2:09 PM

wrote:

Hi Jonathan, Sorry to bother you again.

I wanted to send this email to make sure I have captured the nuts and boits of the transfer from Stratz to New Direction and our conversation this morning. And for you to address where I am in error with my mind set.

My final statement from Strata has a Rollover and Transfers of \$463,665.12 this included.

80 = . 25 curce Gold Canadian Gyrfalcors 8,761 = 1.25 curce Silver Canadian Buffalo 150 = 1 curce Silver Australian Kangaroo/Nugget 6184 = 1.5 curce Silver Canadian Gyrfalcon

EXHIBIT'D'

The pricing on the invoice that New Direction sent me that was sent from your company to theirs has the following. When we made the deal you said you were only tailing in melt values for the pricing you gave me so I would expect these values to be melt on the transaction date of September 25, 2018?

80 = . 25 ounce Gold Canadian Gyrfalcons @ \$380 x 80 = \$28,800.00 3,761 = 1.25 ounce Silver Canadian Buffelo @ \$21.81 x 3,761 = \$82,027.41 150 = 2 ounce Silver Australian Kangaroo/Nugget @ \$14.50 x 150 = \$2,175.00 6184 = 1.5 ounce Silver Canadian Gyrfalcon @ \$25.75 x 6184 = \$159,238.00 Total = \$272,240.41

You then purchased or exchanged what ever the term is, for 10,027 = .5 ounce 2018 Royal Canadian Mint Polar Bear Coins.

10. 027 = .5 curice 2018 Royal Canadian Mint Poler Bear Coins for the same \$272,240.41 this equates to \$27.15 each.

You informed me the value of these 10,027 coins is the same as or close to the Rollover Transfer amount of \$463,665.12. I asked if I were to sell these 10,027 coins today the value would be in this \$460,000 area and you answered yes that is correct but also worth a little more because the spot value is up to almost \$15,00. So with this knowledge can I be sure the coins are worth \$46.24 each in real value and only worth \$27,15 in melt value?

This is a point of confusion for me. I have 10,027 = 5 ounce coins with a today melt value of a little less than \$15.00. I have 5,013.5 ounces of silver with these coins which equates to \$75,202.50 using the \$15.00 as the melt value. This would appear to indicate the melt value has declined from \$27.15 to \$15.00 in just a few weeks that does not seem to hold true when going on various sites indicating the melt value from the transaction date to today so any help will be appreciated.

Thanks for your help in advance.

* ** * *

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Exhibit E



17 1/8 EXHIBIT 'E'

Jonathan I am forwarding this on to the corporate because of you being ill they need to know about this authorization today as well.

I expect confirmation of the receipt of this email authorization directive by no later than 11:00 AM MST on Monday November 12, 2018 this will give some time to make a plan to get this done and explain to me the details.

From Sent: Friday, November 9, 2018 2:50:50 PM To: Jornthan Sachs Subject: RE: IRA

John,

I have commitments of Monday and want to get this deal in motion today.

I will give you authorization via this small to get the coins converted to cash and the cash deposited into my New Direction account number the coins in the next week. The exchange should not take any time at all being that the coins are proprietary to your company so it is like an in-house deal. Moving the coins beck to you from Delaware may take a little time but that does not have any bearing on moving the cash into my account.

The following is Chase Metals and Metals.com authorization to move forward with the transaction buying back the coins and replacing my money in the account listed.

You are directed to sell the 10,027 Silver 2028 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1882. You are authorized to sell the coins at the quoted price you have provided me which is \$46.24 for each coin. $10,027 \times $46.24 = $463,648.48$ being returned to the account listed above.

Your authorization is in place as of 2:20 PM MST on todays date November 9, 2018 with the transaction being completed no leter than November 16, 2018 by 4:00 PM MST. I expect to see the money in my account no leter than 4:00 PM MST November 16, 2018.

Sorry you are not feeling well but I can't walt any longer to move forward.

Sincarely

Delta, CO

Sent from Mall for Windows 10

EXHIBIT 'E'

Good thorning Jonathan,

I trope the rest of your evening went well. The background sounded extremely busy and I know you are still busy so I will try to make this short but also give you and understanding where our thoughts are not aligned so you know when we talk this afternoon, encars you have other questions.

As we spoke lest night you asked me if I understood what you were trying to do for me by selling the coins I had from Harsford Gold and exchange them for the X-ounce Royal Canadian Mint Poler Bear coins and I wisepoke and seld yes which is not the correct answer, I did not understand. You may be using this information for a self-help type thing so I need to let you know how/what I was thinking/assuming and where we were/ere not on the same page.

When we were making the transfer you said you wanted to get me out of the coins I had because they are proprietary coins with Hertford and move me into coins that are more known/acceptable and are easier to sell. At this point I was thinking this is good because I want to be able to sell any coins I have with relative case I did not realize the Hartford coins were proprietary until you told me they were when we were doing this transfer.

I took the information about the coin, name, quantity of 10,027 with a \$46.24 each value, you provided me, and met with a small broker to see what she could do when the time came to sell coles I had received from an NAMO and to turn them into cash for personal use. She informed me these coles were also proprietary and she would have a hard time selling unless they became popular with the cole collectors and the agencies she deals with would buy them from her. She indicated I would have the best luck selling them with the company I purchased them from but that has huge limitations. This is an issue we definitely had/have different thoughts on and I was surprised the new coles were proprietary. They may or may not have proved to be sesier to sell, then the Hartford coles but I don't like the limitations they present.

I believe you thought you were doing what was potentially best for me when it came to making an RMD and receiving more worth in coins than the RMD required in monetary value because of the lower text I would be required to pay. You stated this in our phone conversation yestenday. My thoughts were that I would personally receive the coins with an RMD value and be able to sell them any where that bought I would personally receive the coins with an RMD value and be able to sell them any where that bought I practious metals sained as with monetary RMD where you can go out and start spending the money. I realized it would not be quite as simple as that but I could go any where and sell the coins because they are known throughout the industry. This is not the case even if the new coins proved to be easier to sell, than the Hartford coins, but still more difficult to deal with than non-proprietary coins that I want to deal with.

So with the known value of the coins you stated in an earlier ernal, see below, of being worth \$46.24 each we will trade/self/exchange them into a cash value of around \$463,000, plus, buts my New Direction account and then you and I can work to get us into coins I can self as I want to and not be tied to a proprietary coin. If I had of realized the coins were proprietary when we made the transaction I would have stopped our moving forward at that time.

Hope this helps you and I look forward to talking to you this afternoon at 2:50 MST.

Have a good day.

EXHIBIT 'E'

Sec To:	m: Jonathan Sachs ejsachs@metals.com> at: Friday, November 9, 2018 2:06:05 PM
He	y
	u Wed, Nov 7, 2018 at 8:05 PM wrote:
S	ent from <u>Mail</u> for Windows 10
S 1	rum: Jonathan Sachs < <u>isachs@metals.com</u> > ent: Wednesday, November 7, 2018 5:08:90 PM for subject: Re: IRA
1	Hey
1	On Wed, Nov 7, 2018 at 4:39 PM
	I know your busy and have not had the chance to call me back for the last two days so I will use this email to let you know what I want you to do.
	Below you informed me that the market worth of these coins is \$48.24 for each of these 10,027 coins for a total of \$463,648.48. I want you to sell them for this price and get us in New Direction with this cash value. After this has happened you and I will then work together to exchanges the money in New Direction for silver and gold replacing the money with practicus matals. As you know I have been uncomfortable since we did this and the information I have received is that we are well within the proper time frame to get us back to where we were. I want more diversification with a variety of different coins, bellion and different metals. This will make it easier to move when I need to do RMD's with these funds.
	Please move forward with this request.
	Thanks for your help, talk to you soon.
	Sent from Mal for Windows 10

Exhibit F

Exhibit F I Tha Final 11 1518

Jonethan, Corporate and I guess Lucas

Jonethan I.am sending the email to you for you to pass it on to whom ever needs to see it. A guy named Lucas called Monday night and was going to get back to me but has not done so as of this time.

This is a reminder of my authorization for you to sell/buy my 10,027 % Ounce Royal whatever you want to do and get the money into my New Direction. You are directed to sell the 10,027 Silver 2018 Royal Canadian Mint Poler Bear Coins and transfer the cash into my New Direction Account Number You are authorized to sell/buy the coins at the quoted price you have provided me which is \$46.24 for each coin. 10,027 \times \$48.24 = \$463,648.45 being returned to the account listed above.

Your authorization is in place as of 2:20 PM MST on todays date November 9, 2018 with the transaction being completed no later than November 16, 2018 by 4:00 PM MST. I expect to see the money in my account no later than 4:00 PM MST November 16, 2018.

Please see this is done. Your company is leaving me no choice.

Sent from Mail for Windows 10

From:

Sent: Friday, November 9, 2018 2:59:31 PM To: Jonathan Sechs Cc: Corporate@Metals.com Subject: PW: IRA

Jonathan I am forwarding this on to the corporate because of you being ill they need to know about this authorization today as well.

I expect confirmation of the receipt of this email authorization directive by no later than 11:00 AM MST on Monday November 12, 2018 this will give some time to make a plan to get this done and explain to me the details.

From

Sent: Friday, November 9, 2018 2:30:50 PM To: Jonathan Sachs Subject: RE: IRA

John.

I have commitments of Monday and want to get this deal in motion today.

I will give you authorization vie this email to get the coins converted to cash and the cash deposited into my New Direction account number accounts in the next week. The exchange should not take any time at all being that the coins are proprietary to your company so it is like an in-house deal. Moving the coins back to you from Delewere may take a little time but that does not have any bearing on moving the cash into my account.

The following is Chase Metals and Metals.com authorization to move forward with the transaction buying back the coins and replacing my money in the account listed.

You are directed to sell the 10,027 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Royal Canadian Mint Polar Bear Coins and transfer the cash into my New Direction Account Number 1997 Silver 2018 Silver 2

Your authorization is in place as of 2:20 PM MST on todays data November 9, 2018 with the transaction being completed no later than November 16, 2018 by 4:00 PM MST. I expect to see the money in my account no later than 4:00 PM MST November 16, 2018.

Sorry you are not feeling well but I can't walt any longer to move forward.

Sincerely

Pelta, CO Million
Sent from Mail for Windows 10
From: Jonathan Sachs <isachs@metals.com> Sant: Friday, November 9, 2018 2:06:05 PM Top Subject: Re: IRA</isachs@metals.com>
HeyI'm not feeling well and an going home early today. Could we finish this Monday afternoon?
On Wed, Nov 7, 2018 at 8:05 PM Thanks talk to you tomorrow
Sent from Mall for Windows 10
From: Jonathan Sachs < isuchs@metals.com> Sent: Wednesday, November 7, 2018 6:08:30 PM To: Subject: Ra: IRA

25 The Cast you willottow to these changes.
On Wed, Nov 7, 2018 at 4:39 PM
Hi Jonathan,
I know your busy and have not had the chance to call me back for the last two days so I will use this ential to let you know what I want you to do,
Below you informed me that the market worth of these coins is \$46.24 for each of these 10,027 coins for a total of \$463,648.48. I want you to sell them for this price and get us in New Direction with this cash value. After this has happened you and I will then work together to exchanges the money in New Direction for silver and gold replacing the money with precious metals. As you know I have been uncomfortable since we did this and the information I have received is that we are well within the proper time frame to get us back to where we were. I want more diversification with a variety of different coins, buillon and different metals. This will make it easier to move when I need to do RMD's with these funds.
Please move forward with this request.
Thanks for your help, talk to you soon.
Sent from Mail for Windows 18
From: Jonathan Sachs learning-sent: Friday, November 2, 2018 4:21:57 PM To: Subject: Re: IRA
Sounds good.
On Fri, Nov 2, 2018 at 2:35 PM
Jonathan,
Thank you. I am meeting with a lady who deals in precious metals next week and I want to be able to let her know where I am at. I am meeting with her to see if I take a RMD and have you sell enough coins to cover the RMD and I have extra coins that are over and above the melt value and I want/need to convert some of the coins to cash, like on the spur of the moment, just what the procedure is with her.
This information will help.

Sent from Mall for Windows 10

From: Jonethan Sechs < Isachs@metals.com> Sent: Friday, November 2, 2018 3:13:04 PM

Subject: Re: IRA

Thats it!

On Fri, Nov 2, 2018 at 2:09 PM

> wrote:

Hi Jonathan, Sorry to bother you again.

I wanted to send this email to make sure I have captured the nuts and bolts of the transfer from Strata to New Direction and our conversation this morning. And for you to address where I am in error with my mind set.

My final statement from Strata has a Rollover and Transfers of \$463,665.12 this included.

80 = . 25 ounce Gold Canadian Gyrfalcons

3,761 = 1.25 ounce Silver Canadian Buffalo

150 = 1 ounce Silver Australian Kangaroo/Nugget

6184 = 1.5 punce Silver Canadian Gyrfalcon

The pricing on the invoice that New Direction sent me that was sent from your company to theirs has the following. When we made the deal you said you were only talking in melt values for the pricing you gave me so I would expect these values to be melt on the transaction date of September 25, 2018?

80 = .25 ounce Gold Canadian Gyrfalcons @ \$360 \times 80 = \$28,800.00

3,761 = 1.25 ounce Silver Canadian Buffalo @ \$21.81 x 3,761 = \$82,027.41

150 = 1 ource Silver Australian Kangaroo/Nugget Φ \$14.50 x 150 = \$2,175.00

6184 = 1.5 ounce Silver Canadian Gyrfalcon @ \$29.75 x 6184 = \$159,238.00

Total = \$272,240.41

You then purchased or exchanged what ever the term is, for 10,027 = .5 ounce 2018 Royal Canadian Mint Polar Bear Coins.

10. 027 = .5 ounce 2018 Royal Canadian Mint Polar Sear Coins for the same \$272,240.41 this equates to \$27.15 each.

You informed me the value of these 10,027 coins is the same as or close to the Rollover Transfer amount of \$463,665.12. I asked if I were to sell these 10,027 coins today the value would be in this \$460,000 area and you answered yes that is correct but also worth a little more because the spot value is up to almost \$15.00. So with this knowledge can I be sure the coins are worth \$46.24 each in real value and only worth \$27.15 in melt value?

This is a point of confusion for me. I have 10,027 = .5 ounce coins with a today melt value of a little less than \$15.00. I have 5,013.5 ounces of silver with these coins which equates to \$75,202.50 using the \$15.00 as the melt value. This would appear to indicate the melt value has declined from \$27.15 to \$15.00 in just a few weeks that does not seem to hold true when going on various sites indicating the melt value from the transaction date to today so any help will be appreciated.

Thanks for your help in advance.

2 189 email Josethan Sachs Chase 11 9 18

Good morning Jonathan,

.

I hope the rest of your evening went well. The background sounded extremely busy and I know you are still busy so I will try to make this short but also give you and understanding where our thoughts are not aligned so you know when we talk this afternoon, encase you have other questions.

As we spoke last night you asked me if I understood what you were trying to do for me by sailing the coins I had from Hartford Gold and exchange them for the X ounce Royal Canadian Mint Polar Bear coins and I misspoke and said yes which is not the correct answer, I did not understand. You may be using this information for a self-help type thing so I need to let you know how/what I was thinking/assuming and where we were/are not on the same page.

When we were making the transfer you said you wanted to get me out of the coins I had because they are proprietary coins with Hartford and move me into coins that are more known/acceptable and are easier to sell. At this point I was thinking this is good because I want to be able to sell any coins I have with relative ease I did not realize the Hartford coins were proprietary until you told me they were when we were doing this transfer.

I took the information about the coin, name, quantity of 10,027 with a \$46.24 each value, you provided me, and met with a small broker to see what she could do when the time came to sell coins I had received from an RMD and to turn them into cash for personal use. She informed me these coins were also proprietary and she would have a hard time selling unless they became popular with the coin collectors and the agencies she deals with would buy them from her. She indicated I would have the best luck selling them with the company I purchased them from but that has huge limitations. This is an issue we definitely had/have different thoughts on and I was surprised the new coins were proprietary. They may or may not have proved to be easier to sell, than the Hartford coins but I don't like the limitations they present.

I believe you thought you were doing what was potentially best for me when it came to making an RMD and receiving more worth in coins than the RMD required in monetary value because of the lower tax I would be required to pay. You stated this in our phone conversation yesterday. My thoughts were that I would personally receive the coins with an RMD value and be able to sell them any where that bought practicus metals same as with monetary RMD where you can go out and start spending the money. I realized it would not be quite as simple as that but I could go any where and sell the coins because they are known throughout the industry. This is not the case even if the new coins proved to be easier to sell, then the Hartford coins, but still more difficult to deal with than non-proprietary coins that I want to deal with.

So with the known value of the coins you stated in an earlier email, see below, of being worth \$46.24 each we will trade/seli/exchange them into a cash value of around \$463,000, plus, into my New Direction account and then you and I can work to get us into coins I can sell as I want to and not be tied to a proprietary coin. If I had of realized the coins were proprietary when we made the transaction I would have stopped our moving forward at that time.

Hope this helps you and I look forward to talking to you this afternoon at 2:30 MST.

Have a good day.

Sent from Mail for Windows 10

From: Jonathan Sachs <jsachs@metals.com> Sent: Wednesday, November 7, 2018 6:08:30 PM

ه استوریه

Subject: Ra: IRA

On Wed, Nov 7, 2018 at 4:39 PM Hi Jonathan.

> wrote:

I know your busy and have not had the chance to call me back for the last two days so I will use this email to let you know what I want you to do.

Below you informed me that the market worth of these coins is \$46.24 for each of these 10,027 coins for a total of \$463,648.48. I want you to sell them for this price and get us in New Direction with this cash value. After this has happened you and I will then work together to exchanges the money in New Direction for silver and gold replacing the money with precious metals. As you know I have been uncomfortable since we did this and the information I have received is that we are well within the proper time frame to get us back to where we were. I want more diversification with a variety of different coins, bullion and different metals. This will make it easier to move when I need to do RMD's with these funds.

Please move forward with this request.

Thanks for your help, talk to you soon.

Sent from Mall for Windows 10

From: Jonathan Sachs < isachs@metals.com> Sent: Friday, November 2, 2018 4:21:57 PM

Tod Subject: Re: IRA

Sounds good.

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wrote:

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This information will help.

Have a good weekend.

Sent from Mail for Windows 10

From: Jonathan Sachs < isachs@metals.com> Sent: Friday, November 2, 2018 3:13:04 PM

Subject: Re: IRA

Thats it!

On Fri, Nov 2, 2018 at 2:09 PM

> wrote:

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You then purchased or exchanged what ever the term is, for 10,027 = .5 ounce 2018 Royal Canadian Mint Polar Bear Coins.

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This is a point of confusion for me. I have $10,027 \approx .5$ ounce coins with a today melt value of a little less than \$15.00. I have 5,013.5 ounces of sliver with these coins which equates to \$75,202.50 using the \$15.00 as the melt value. This would appear to indicate the melt value has declined from \$27.15 to \$15.00 in just a few weeks that does not seem to hold true when going on various sites indicating the melt value from the transaction date to today so any help will be appreciated.

Thanks for your help in advance.